



*Authorities levelled the Roma camp in Casilino on 29 August. © Stefano Montesi*

**IHF FOCUS: Freedom of expression and the media; the judicial system and fair trial; conditions in prisons; intolerance, xenophobia and racial discrimination; protection of ethnic minorities; protection of asylum seekers and immigrants; women's rights; rights of the child; homosexuals' rights.**

Legislation addressing dangerous prisoners was made more restrictive, and the release of members of organized crime raised public debate. Prison revolts focused attention on overcrowding and the abuse of prisoners. Xenophobic attitudes were common and immigrants became the targets of xenophobic acts. At the same time, some politicians stressed that Italy's economy needs more immigrants. The Roma minority faced segregation and excessive abuse by the police and other authorities.

### **Freedom of Expression and the Media**

Despite Article 21 of the Italian Constitution, according to which the press cannot be subjected to authorisation or censorship, Italy retained "post-fascist" legislation on the press: no one was allowed to publish a magazine or newspaper unless the

director of the publication was a member of the official Order of Journalists. In recent years, a referendum to abolish this compulsory order was not successful since less than 50 percent of the electorate voted.

### **Judicial System and Fair Trial**

On 10 February, Minister of Interior, Enzo Bianco presented a set of amendments to the legislation aimed at preventing a person who committed an exceptionally serious crime from leaving prison while his case is pending, and to limit the benefits available for such prisoners. Bianco's proposal provoked a reaction from the Minister of Justice, Mr. Diliberto, who - on 12 February - said that "Bianco had gone beyond his competence." The Senate approved the amendments on 6 March 2001.

On 18 November, Minister of Justice Fassino opened an inquiry into “easy releases” from prison. The inquiry concerned in particular the case of Giuseppe Castaldo, a member of Camorra (a criminal organization similar to the Mafia and which is active in Naples and its surroundings). Neapolitan judges had released him against the advice of the Office of the Prosecutor. The Minister announced that something would be done immediately to avoid that other detainees were released in the same way. On 19 November, it was announced that all Neapolitan Camorra bosses could be released following the termination of their preventive detention. A total of 125 people were involved, including Francesco Schiavone and his “lieutenants”. Since the trial began in July 1998 in Santa Maria Capua Vetere, 80 of the accused have already been released.

On 21 November, the Government approved a decree providing for different means of calculating the period of preventive detention.

### Conditions in Prisons

Overcrowding was the most serious problem in Italian prisons in 2000, triggering prisoners’ protests and revolts. According to official figures, there were 53,507 prisoners in July 2000, although the overall prison capacity was only 42,749 in all the prisons combined. Nearly 24,000 prisoners were awaiting judgment, roughly 14,000 prisoners were non-EU citizens and some 6,000 were serving a term shorter than two years.

◆ On 3 April, prisoners of the Sassari jail in Sardinia protested because of overcrowding and abuse in the prison: thirty of them were “punished” in the presence of the director. On 2 May, a court opened an inquiry into alleged abuse by wardens. Eighty-two wardens, the Regional Superintendent Giuseppe della Vecchia, Director Maria Cristina Di Marzio and the commander of the wardens faced charges following a report – affirmed by prisoners and their families - that prisoners had been forced to

pass between two lines of wardens who beat them brutally. On 3 May, the accused were all arrested. On 4 May, an additional 100 wardens were questioned for having given contradictory testimony. The inquiry was meant to assess whether anyone at the Ministry of Justice knew what had been happening in the prison.

On 25 June, prisoners in all the prisons of the country staged a protest demanding amnesty. The Parliament was divided in its opinion, but on 27 June the majority was in favour of pardoning prisoners in order to solve the problem of overcrowding without cancelling sentences. Many deputies, however, rejected the pardons, citing the primacy of public safety.

◆ On 1 July, there was a revolt in the prison of Regina Coeli in Rome. Three prisoners, followed by 20 others, attacked the wardens with bars, demanding to be set free. Twenty-five wardens and three prisoners were injured.

On 7 July, the Government proposed legislative measures to deal with the emergency situation in prisons and the malfunctioning of the judicial system: 4,000 prisoners should be released, aliens who had committed crimes should be expelled immediately, new jails should be built, and new judges and prison personnel should be engaged. An expense of 3,000 billion liras (U.S.\$ 1.5 billion) in three years was expected.

However, on 22 September, the Government discovered that 1,060 billion liras allocated to build new prisons were not available. Some persons proposed that the sum should be drawn from the prisoners’ health fund.

According to a report issued by the NGO “Antigone” in May, between 1991 and 1997, 237 wardens were charged with causing injuries, threatening or insulting prisoners; 129 were charged with violating the law on narcotics; 66 were charged with abuse of authority; 24 were charged with culpable or wilful murder; and 13 were

charged with sexual abuse. In 2000, "Antigone" also reported serious abuse in the prisons of Secondigliano, Nuoro, Parma, Orvieto, and Pianosa.

### **Intolerance, Xenophobia and Racial Discrimination**

Numerous xenophobic acts were recorded in 2000.

◆ Roberto Tomelleri set fire to Brahid Wajjol, a Moroccan boy who was courting his daughter, on 6 March in Verona. The youth suffered third degree burns. The girl's father, who was held for questioning, declared: "I do not hate aliens."

◆ On the evening of 20 March, supporters of a Rome football team threw Molotov cocktails in the underground passage near the railway station "San Lorenzo" in Rome. Foreign street people often sleep there at night; fortunately, there were no casualties.

◆ On 25 August, two 15-year-old boys killed a prostitute from Ghana in Lonate Ceppino, near Varese, to steal her bag. "We wanted to commit a robbery to see what it feels like," they explained.

◆ On 13 October, the Lega Nord – an extreme rightist political party - demonstrated against plans to build a mosque in Lodi, near Milan. The Forza Italia party also joined the demonstration and the number of the participants reached one thousand, many of whom displayed racist slogans.

When dealing with cases of foreign adoptions, the Juvenile Court of Ancona ruled in some 60 cases that "international adoption is possible, but only of white-skinned children". According to judge Luisianna del Conte, dark-skinned children could not integrate in the conservative-minded environment of provincial Italy. On 21 October, Minister for Social Affairs Livia Turco deemed such rulings to be "misguided" and prejudicial.

On 1 February, Minister of Interior Enzo Bianco and Minister for Arts and Culture

(also in charge of sports), Giovanna Melandri decided that football matches could be interrupted if spectators used racist or violent slogans.

### **Protection of Ethnic Minorities**

#### Roma Minority <sup>2</sup>

Anti-Romani hate speech and abuse against Roma were widespread in Italy in 2000. The political party Lega Nord frequently used racist and anti-Romani language in public statements. In the regional elections held on 16 April, the centre-right and extreme right, including the Lega Nord, swept the country with a majority. Their campaign featured explicitly anti-Romani messages.

◆ In the town of Voghera, centre-right candidate Aurelio Torriani distributed fliers intended to discredit centre-left candidate Antonella Dagradi with the slogan: "The Gypsies will certainly vote for Antonella Dagradi. Do you want to do the same?"

Recent surveys indicate that many Italians dislike and fear Roma, although they have little or no experience with them. For many Italians, Roma are the archetype of unwanted "criminal" immigrants. This sentiment reached fever pitch when approximately 10,000 Roma refugees arrived in Italy during the summer of 1999, after being expelled from Kosovo by ethnic Albanians following the end of the NATO bombing and Yugoslav military action in the region.

There were no accurate figures on the number of Roma in Italy: local NGOs estimated in late 2000 that there were between 60,000-90,000 Italian Romani citizens and 45,000-70,000 Roma born outside Italy or born in Italy to immigrant parents, mainly from Eastern Europe, especially the former Yugoslavia. Many of the latter group had no legal status in Italy. Roma who managed to legalise their status often possessed temporary residence permits valid for various - but exclusively short - periods of time, mostly between one and six months.

Roma lived segregated from non-Romani Italians. In some areas, Roma were excluded and ignored, living in filthy and squalid conditions without basic infrastructures. Their settlements were often called "illegal" or "unauthorised". They could be evicted at any moment, and frequently were.

While Italian authorities have expended energy and resources on Roma, these efforts were not generally aimed at integrating Roma into Italian society. On the contrary, Italy is the only country in Europe to boast a systematic, publicly organised and sponsored network of ghettos aimed at depriving Roma of full participation in, or even contact or interaction with, Italian life. Such Roma, in Italian parlance, live in "authorised camps" or ghettos.

Underpinning the Italian Government's approach to Roma was the conviction that Roma are "nomads". In the late 1980s and early 1990s, many regions in Italy adopted laws aimed at the "protection of nomadic cultures" through the construction of segregated camps. Italian authorities asserted that Roma desires to live in flats or houses were inauthentic and relegated them to "camps for nomads".

The description of Roma as "nomads" has not only been used in the act of segregating Roma, but also in order to reinforce the popular idea that Roma are not Italians and do not belong in Italy. As such, government offices addressing issues related to Roma are called "Offices of Nomad Affairs" and fall under the competence of the Department of Immigration.

In recent years the police and other authorities have conducted abusive raids in Roma camps and police misconduct was commonplace. The European Roma Rights Centre (IHF cooperating committee) has documented numerous cases of police abuse, including abusive raids, evictions and arbitrary destruction of property; abusive use of firearms; torture and physical abuse; discriminatory targeting of Roma by police; theft by authorities; confiscation of

identification papers; sexually abusive searches of women; failure to provide proper interpretation to immigrant Roma accused of criminal acts; failure to provide information concerning detained Roma; threats and violations of the right of assembly; and inadequate punishment for officers who abuse their authority.

In addition, anti-Romani hostility in Italy has found expression in discriminatory treatment by judicial authorities; violence against Roma by non-state actors; discriminatory treatment of Roma in the provision of public services; the denial of the rights of Roma to education; and abuses of the right to employment. Ultimately, Italian authorities appeared intent on capitalising on the anti-Romani sentiment in Italy by abusively expelling Roma from the country.

In its Concluding Observations concerning Italy dated March 1999, the UN Committee on the Elimination of Racial Discrimination (CERD) strongly condemned the treatment of Roma in Italy. Two years after the CERD's findings and elaborate list of recommendations, it is difficult to see any real effect of the CERD's criticism.

### **Protection of Asylum Seekers and Immigrants**

On 11 July, the Institute of Statistics announced that there were 1,270,000 regular immigrant residents in Italy, 13.8 per cent more than in 1999. On 13 July, Minister of Interior Enzo Bianco declared that there were conditions to increase the immigration quota. The Governor of the Bank of Italy, Mr. Fazio, supported this idea for economic reasons, as long as public safety and legality were guaranteed.

According to the statistical report on immigration issued by "Caritas", there were 137,000 new immigrants in Italy in 2000, some 94,000 of whom had a regular job. It was generally easier for a foreigner to find a legal job in northern Italy, where 55 per cent of immigrants lived.

According to some estimates, about 500,000 illegal immigrants lived in Italy (in

addition to legal immigrants), a fact that triggered most social problems connected to immigration.

◆ On 13 August, a boat coming from Turkey arrived in Crotona with 245 Kurd refugees on board, including 99 children. Minister for Social Affairs Livia Turco spoke in favour of an asylum law consistent with those of other European countries and underlined the moral duty to help underage refugees.

On 20 July, it was officially announced that foreigners committed most robberies in central and northern Italy and that the number of drug and prostitution networks led by foreigners was increasing. A survey conducted by Censis showed that 74 percent of Italians associated crime with immigrants, even though they also considered immigrants "essential" to the national economy.

On 2 November, Rita Errico, a judge of the Fourth Civil Division at the Court of Milan, questioned the constitutionality of Paragraph 14 of the Law on the Expulsion of Aliens. She decided not to confirm within 48 hours (as provided for by law) the detention of eight Albanian and Romanian illegal immigrants held in the pre-deportation centre in Via Corelli. According to Errico, the above-mentioned paragraph could contradict Article 13 of the Constitution, which guarantees personal freedom.

On 4 November, another judge of the Court of Milan failed to confirm the detention of eight aliens held in the pre-deportation centre in Via Corelli.

On 2 November, the Court of Reggio Emilia upheld the appeal of Nigerian football player Ekong against the prohibition for aliens to play in the third division championship. Ekong referred to the "Turco-Napolitano" law on immigration, which stipulates equal working rights for aliens with legal residence in Italy.

On 13 November in Brescia, following the murder of a jeweller by an illegal immigrant, President Carlo Azeglio Ciampi called

for stricter checks of foreigners who entered Italy, for security reasons.

### Women's Rights

Parliament adopted a law providing for "parental leave" for both mothers and fathers on 25 January. The new leave can be taken until the child reaches the age of eight, and both parents will be able to make use of it at the same time.

The National Institute of Social Insurance (INPS) promoted an alternative maternity leave in 2000: pregnant women can now take maternity leave one month before the expected date of birth, instead of the previous two months. This will allow them to be on leave longer after the birth of the child. The total leave remained five months.

On 19 August, "Italia Lavoro", a society for the development of enterprises in southern Italy, published a report according to which there remained significant regional differences in women's chances of employment. In Crotona (southern Italy), only one out of every ten women was employed, whereas eight out of ten women were employed in Vicenza (northern Italy).

### Rights of the Child

◆ On 9 June, the police in Grosseto removed 17-month-old Martina from the custodial couple who had applied for her adoption. The adoption was denied because the couple was not married. The Minister for Social Affairs, Livia Turco, stated that such removing a child from custody did not safeguard minors' interests. On 10 June, Francesca Ceroni, the judge of the Juvenile Court who had decided to remove Martina from the couple's custody, asked to be transferred saying "I cannot put up with children and parents' pain anymore."

The issue of paedophilia raised much attention in Italy in 2000.

◆ On 23 August the newspaper *Libero* published a list with the names of people accused of paedophilia. A dispute followed:

Stefano Rodotà, the Italian Guarantor of Privacy, condemned the act saying that “the use of newspapers as public pillory does not have foundation in our Constitution.”

◆ On 27 September the Office of the Prosecutor of Torre Annunziata discovered an international network of paedophiles on the Internet connecting 1,700 people between Italy and Russia.

◆ After two years of investigation “Telefono Azzurro”, an association which denounces abuse of minors, discovered an exchange network of paedophilic photos and videos. The Italian Television networks Rai 1 and Rai 3 broadcast some of the images in their evening news programme, triggering a heated debate. The Directors of TG1, Gad Lerner, and of TG3, Nino Rizzo Nervo had to apologise to the audience and resign.

◆ On 15 September, following cases of paedophilia in August, the Government suggested that an Ombudsman’s office be established for children in every region, not

only to defend them against serious abuses but also to protect their rights in other fields.

### Homosexuals’ Rights

On 24 May, Prime Minister Amato described the Gay Pride Parade scheduled in Rome for 8 July, in which about 200,000 homosexuals from all over the world were expected to take part, as “inconvenient.” The statement was criticised by other members of Government and by some partners of the ruling coalition. On 28 May, the Mayor of Rome, following protests from the Catholic Church, withdrew the promised support of the City Council to the parade. However, on 30 May it was decided that the Gay Pride Parade would indeed take place with the guarantee of services and safety measures, as well as financial - but not “official” - support from the City Council. Ultimately, many left wing politicians, including members of the Government, participated in the parade.

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### Endnotes

<sup>1</sup> Unless otherwise noted, based on the Italian Helsinki Committee, *Human Rights in Italy in 2000*. Contributors: Barbara Baldacci, Ilaria Marini, Antonio Stango.

<sup>2</sup> Based on European Roma Rights Centre (ERRC), *Campland: Racial Segregation of Roma in Italy*, 3 November 2000.