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UNITED NATIONS

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Room No. 3-017	Tel No. 00 41 22 917 92 55	Date 23 May 2008
Priority IMMEDIATE	To: H.E. Mr. Giovanni Caracciolo di Vietri Ambassador extraordinary and plenipotentiary Permanent Mission of Italy to the United Nations at Geneva Fax: 022 734 67 02 - 733 07 83	
File No. UA G/SO 214 (106-7) Minorities (2005-1) G/SO 214 (78-12) ITA 1/2008	FOR URGENT TRANSMISSION TO: His Excellency Mr. Franco Frattini Minister for Foreign Affairs Roma Italy	
Subject. COMMUNICATION FROM SPECIAL PROCEDURES : URGENT APPEAL		

(3 PAGES ATTACHED)

PLEASE FIND ATTACHED AN URGENT APPEAL SENT BY THE
SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE, THE INDEPENDENT EXPERT ON MINORITY ISSUES,
AND THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS

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Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Independent Expert on Minority Issues, and the Special Rapporteur on the human rights of migrants

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REFERENCE: UA G/SO 214 (106-7) Minorities (2005-1) G/SO 214 (78-12)
ITA 1/2008

23 May 2008

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Independent Expert on minority issues, and Special Rapporteur on the human rights of migrants pursuant to Commission on Human Rights resolution 2005/47, to General Assembly resolution 60/251 and to Human Rights Council resolutions 5/1, 7/34 and 7/6.

In this connection, we would like to draw the attention of your Government to information we have received regarding the **attacks against a Roma settlement** in the outskirts of Naples and Milan and the arrest of hundreds of undocumented migrants in security raids by law enforcement agencies.

According to the information received,

On 13 May 2008, approximately 60 people attacked Roma settlements in the outskirts of Naples, using homemade incendiary devices to set fire to tents and houses. On the same day, four Molotov cocktails were thrown at a Roma camp in Novarra, near Milan. Two other Roma encampments were set alight on 14 May 2008 in Ponticelli, near Naples. In the streets of Ponticelli, for several weeks prior to the riots, signs inciting racial hatred against Roma had been posted, which the police failed to act upon. In Trieste, the local administration cut provision of water and electricity to a Sinti camp, apparently in an attempt to force them to leave.

During that same period, several officials belonging to the Northern League made strong anti-immigrant statements. The Minister of Interior, Mr. Roberto Maroni, is reported to have stated publicly on 11 May 2008 that "all Roma camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated". Milan Deputy Mayor Riccardo de Corato stated that he wanted to institute a numerus clausus on the number of Roma in Milan.

In parallel, from 12 to 14 May 2008, throughout Italy hundreds of undocumented migrants – including 50 Roma living in a camp in Rome – have been arrested, registered and fingerprinted. It

H.E. Mr. Giovanni Caracciolo di Vietri
Ambassador extraordinary and plenipotentiary
Permanent Mission of Italy
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has been reported that these measures were taken by law enforcement agencies for the purposes of the migrants' expulsion from Italy.

On 21 May 2008, the Council of Ministers adopted a package of new measures in the area of public security. The proposed measures would, among others, criminalize illegal immigration and allow for immigrants to be held in so-called centres for identification and expulsion for a period of up to 18 months. In addition, the measures would make expulsions easier, restrict family reunification and allow for the confiscation of apartments rented to irregular migrants. The package also appears to include a declaration of a state of emergency, which would serve to deal with what is described as "the critical situation which has arisen in Campania, Lombardia and Lazio in relation to the presence of numerous irregular non-EU citizens and nomads living in these areas".

Without in any way implying any determination on the facts of the case, we should like to appeal to your Government to guarantee the right to equality and non-discrimination of these persons in accordance with your Government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, such as the one established in Article 5 (d) point vii, and other relevant international human rights instruments, including Resolution 47/135 of 18 December 1992 adopted by the General Assembly entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities".

We should also like to bring to your Government's attention General Recommendation XXVII on discrimination against Roma of the Committee on the Elimination of Racial Discrimination, which recommends States "to act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities."

We would also like to recall General Recommendation XXX relating to Discrimination Against Non-Citizens, in which the Committee on the Elimination of Racial Discrimination recommends States "to ensure that legislative guarantees against racial discrimination apply to non-citizens regardless of their immigration status, and that the implementation of legislation does not have a discriminatory effect on non-citizens". Furthermore, the Committee states that Governments should "take steps to address xenophobic attitudes and behaviour towards non-citizens, in particular hate speech and racial violence, and to promote a better understanding of the principle of non-discrimination in respect of the situation of non-citizens"; and "take resolute action to counter any tendency to target, stigmatize, stereotype or profile, on the basis of race, colour, descent, and national or ethnic origin, members of "non-citizen" population groups, especially by politicians, officials, educators and the media, on the Internet and other electronic communications networks and in society at large". This General Recommendation would seem to be applicable to the large number of Roma and Sinti affected who are non-citizens of Italy.

In the event that your investigations support or suggest the above allegations to be correct, we urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and accountability of any person guilty of the alleged violations is ensured. We also request that your Government adopt effective measures to prevent the recurrence of these acts.

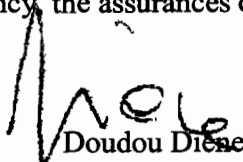
In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Commission on Human Rights and extended by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide information on the measures taken to ensure the physical and psychological integrity of the Roma and Sinti communities in Naples, Milan, Trieste and elsewhere in Italy.
4. Please provide information on the new immigration measures that have been formulated by the Government and how they are compatible with international norms and standards on non-discrimination.

We undertake to ensure that your Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.



Doudou Diene

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance



Gay McDougall
Independent Expert on Minority Issues



Jorge A. Bustamante
Special Rapporteur on the human rights of migrants