



STATEMENT

European Roma Information Office (ERIO)¹

The European Roma Information Office (ERIO) expresses its deep concerns about the racist violence against Romanian Roma in Italy in the past two weeks. ERIO is also concerned by the lack of effective action by the Italian authorities to counter the aggression and xenophobic behavior of a group of people subjecting Romanian Roma, as well as others from Romania to brutal violence and steady public campaign of racist harassment.

ERIO was one of the first information sources to raise concerns about the racist campaign against Roma in Italy triggered by politicians, police authorities and media after the death of an Italian woman. The Italian authorities fail to keep the notion of the case linked only to the eventual perpetrator and not allowing it to blow into aggressive racist campaign against Roma in Italy. If a single person has committed a violent attack, it was the responsibility of the Italian authorities to initiate a thorough investigation and convict this person, without accusing the whole Roma community in Italy.

ERIO also expresses its concerns regarding the decree adopted recently by the Italian government which does not comply with the national and international human rights instruments. The unexpected developments of violent xenophobic situation fuelled by the Italian media put the authorities in a panic situation. In order to find a quick solution they adopted a decree which gives local authorities and the interior ministry, the power to expel citizens of other EU countries. In this format it is not in conformity with the EU human rights principles and other international human rights standards. The most worrying aspect of the decree is that it is aimed so openly at Romanians as well as the fact that its application has been primarily if not exclusively aimed at Roma.

¹ The European Roma Information Office (ERIO) is an international advocacy organization, which promotes political and public discussion on Roma issues by providing factual and in-dept information on a range of policy issues to the European Union institutions, Roma civil organizations, governmental authorities and intergovernmental bodies. The ERIO cooperates with a network of a large number of organizations and acts to combat racial discrimination and social exclusion through awareness raising, lobbying and policy development.

We would like to remind the Italian authorities that Romanians and Romanian Roma are already EU citizens. According to the EU Charter for Fundamental Rights, Chapter V - Citizen's Rights Article 45 - Freedom of movement and of residence:

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States

The EU Charter on Fundamental rights is even more concrete regarding expulsions in the following chapter: Chapter II – Freedoms, Article 19 - Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.

Free movement of people is a basic pillar of the single area the European Union (EU) and is acknowledged as a fundamental right for EU citizens.

The free movement of persons between Member States of the EU is one of the basic aims of the Union, and Italy as a Member State should follow this aim. We also should remind the Italian authorities that the right of free movement across the EU was originally envisaged only for the working population, but it has been extended to include all categories of citizens, such as dependants, students and to those who are no longer economically active.

According to EU treaties, the right to free movement means that every EU citizen is entitled to travel freely around the Member States of the European Union, and settle anywhere within its territory. Every person holding the nationality of a Member State of the European Union is, as a result, a citizen of the Union. Citizenship of the Union supplements national citizenship without replacing it. It is made up of a set of fundamental rights and obligations enshrined in the EC Treaty among which it is worth underlining the right not to be discriminated on the basis of the nationality.

- **The Maastricht Treaty**, signed in 1992, aimed to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union. The European citizenship confers, notably, on every European citizen a fundamental and personal right to move and reside freely without reference to an economic activity.
- **The Treaty of Amsterdam**, which entered into force on 1st May 1999, extended citizens rights/obligations by introducing a clause allowing EU institutions to take measures against **discrimination** on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation to the Treaty. Amsterdam also reinforced the **free movement of people** by integrating the Schengen Convention into the Treaty.
- **The Treaty of Nice** signed in 2001 and entered into force on 15 February 2003 facilitated the legislative process by introducing qualified majority

voting in the EU decision making process in the field of free movement and residence.

- **The Directive 2004/38/EC** on the right of citizens of the European Union and their family members to move and reside freely within the territory of the EU has been adopted by the European Parliament and the Council on 29 April 2004 and Italy suppose to have achieved complete and correct transposition of the Directive until April 30, 2006. One of the main objectives of the Directive is to give the rights to move and to reside to EU citizens as such and not anymore to categories of people identified as workers, students, self-employed, etc.

ERIO also would like to bring to the attention of the Italian authorities the four major judgments given by the **EU Court of Justice** given on the interpretation of the directives 93/96, 90/364 et 90/365. (Cases C-456/02; C-200/02; C-209/03 and C-157/03). On these occasions, the Court recalled that the right to reside in the territory of a EU Member State is conferred directly on every citizen of the Union by article 18(1) EC and that citizenship of the Union is destined to be a fundamental status of nationals of EU Member States, enabling those who find themselves in the same situation to receive the same treatment in law irrespective of their nationality. The Court also underlined the need to interpret the right of free movement in the light of fundamental rights with particular regard for the right to protection of family life and the principle of proportionality.

ERIO calls on the Italian government to urgently to revoke the emergency decree aiming at the expulsion of Romanian Roma.

ERIO further calls upon the Italian authorities to speak out to condemn the current waive of anti-Romani and anti-Romanian racism in Italy.

ERIO calls the European Institutions to urgently discuss the “Italian case” and take specific measures which will prevent other EU Member States to restrict the free movement of EU citizens and more particularly of Roma, citizens of EU Members States.

ERIO also urges the EU authorities and EU Member States to take into consideration the joint Resolution of the European Parliament discussed on November 15th on the right of EU citizens and their families to move and reside freely within the territory of the EU, which reaffirms the value of the free movement of persons as a fundamental principle of the European Union.

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