



NEWS REPORT

Date:	16 October 2010
Expert:	Alessandro Simoni
Title:	Group of experts drafts model law on Roma and Sinti
Country:	Italy
<u>Context</u>	
Issue at stake:	Identification of the most appropriate legal framework for the improvement of the condition of Roma and Sinti minorities. Debate about legal status of Roma and Sinti communities
Ground of discrimination:	Ethnicity
Source:	Proceedings of the international conference on "The legal condition of Roma and Sinti in Italy" of June 15, 2010 and related documents
Field:	The issue cannot be assigned to a specific field
Legislative provisions:	The legal basis of the draft is represented by the Italian Constitution, particularly its general equality clause enshrined Article 3 and Article 6 providing for the protection of linguistic minorities.

Content

The huge visibility that all issues related to Roma had in recent years in Italian politics and society has been accompanied by an increased attention for the related legal aspects, previously quite neglected in the academic community and seldom treated in judicial decisions. A turning point has been certainly represented by the international conference on "The legal condition of Roma and Sinti in Italy" organised in Milan in June 2010 with the support of the European Commission, which gathered more than fifty experts who mapped and analysed most of the current problems and developments.

In the context of the preparatory work for the conference, the members of its scientific committee (composed by Paolo Bonetti, professor of public law in the University of Milan Bicocca, Alessandro Simoni, professor of comparative law in the University of Florence, and Tommaso Vitale, associate professor of urban sociology, Sciences Po, Paris) prepared a draft



bill on "Protection and equal opportunities of the minority of Roma and Sinti", which was discussed and modified during a series of meetings with representatives of the main organisations of Roma and Sinti operating in Italy.

The draft is completely different in structure and content from all the bills which in the past have been presented (as private member's bills) to the Parliament, which were usually very short and either limited to the inclusion of Roma among protected linguistic minorities or, in addition to this, tried to create a "right to nomadism" assuming that this as a specificity of Roma culture.

The new draft instead tries a comprehensive treatment (without neglecting linguistic identity) of all the aspects which proved to be problematic in the relation between Roma and state institutions without starting from a definition of the alleged cultural characters of Roma. For instance, the proposal rejects the creation of a "right to nomadism", while instead introduces tools aimed at avoiding discriminatory practices based on a perceived "nomadism", or using specific forms of housing. The approach is thus one which primarily starts from the experience of discriminatory practices against Roma, introducing not merely the prohibition of these but rather tools that make effective the rights that persons perceiving themselves as Roma or Sinti already have but the exercise of which is made difficult due to their ethnic identity.

The current draft is structured along the following chapters: 1) fundamental principles 2) fundamental rights, equality and integration 3) civil rights, rights of families, women and children 4) linguistic and cultural rights and equal opportunities in right to education 5) exercise of the right of circulation and stay and right to housing 6) equal opportunities in work and economic activities and in access to social rights 7) participation to public life and coordination of administrative actions. The draft has a total of forty articles.

The bill endeavours to establish a system for the protection of rights strictly consistent with the Italian Constitution and international conventions and going beyond the mere statement of general principles. In doing so, it has been forced to overcome several technical problems never dealt before with in legislative proposals, striking a complex balance on many points e.g. where obstacles to the exercise of rights are generated in different normative levels, as is the case of the areas where there is a competence of the regions, provinces or municipalities.

The draft is raising a lively debate among organisations of Roma and Sinti, and has been presented by professor Alessandro Simoni on July 15 in a hearing at the Special Commission on Human Rights of the Senate (minutes of the hearing can be found at www.senato.it) . It is also currently discussed

in different workshops with political actors (most recently in the Province of Rome on October 5), and the drafters are planning a further series of exchanges with members of the Parliament and Roma groups for a further improvement of the text.

Internet link source and additional information:

The text can be found on different websites, among which
<http://www.juragentium.unifi.it/it/forum/rom/pdl.pdf>