



Associazione per gli Studi Giuridici sull'Immigrazione



COMMISSIONE EUROPEA  
Rappresentanza a Milano

UNIVERSITA' DEGLI STUDI DI MILANO-BICOCCA  
ASGI (ASSOCIAZIONE PER GLI STUDI GIURIDICI SULL'IMMIGRAZIONE)  
THE EUROPEAN COMMISSION REPRESENTATION IN MILAN

## INTERNATIONAL CONFERENCE ON

# THE LEGAL STATUS OF ROMA AND SINTI IN ITALY



**MILANO, 2010 JUNE 16 -18**

State University of Milan-Bicocca

Aula Magna

Edificio U6, Piazza dell'Ateneo nuovo 1, Milan - Italy

Progetto grafico **Dust**  
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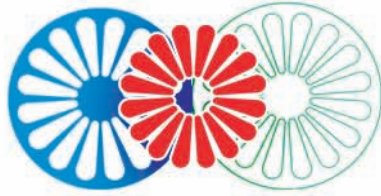
Rettorato  
Comitato Pari Opportunità



CENTRO D'ECCELLENZA JEAN MONNET  
DELL'UNIVERSITA' DEGLI STUDI DI MILANO

OPEN SOCIETY  
JUSTICE INITIATIVE





## **THE LEGAL STATUS OF ROMA AND SINTI IN ITALY**

*The situation of individuals living in Italy and identifying themselves as Roma or Sinti, in cultural or linguistic terms, is certainly precarious.*

*Their legal status is extremely heterogeneous, since they can be alternatively Italian citizens, EU citizens, non-EU citizens, refugees or stateless persons. Roma and Sinti communities already rooted in Italy have been joined by other groups from Eastern and Central Europe, often escaping discriminations, persecutions, de facto deportations and loss of citizenship following the dissolution of national entities. The resulting situation is highly diversified in terms of social background, patterns of territorial mobility, level of economic and social integration.*

*As a result, Roma and Sinti living habits and experiences are extremely varied. The Italian legal system is now called to tackle the challenge of coping with Roma and Sinti people, and their history of recurring discriminations. According to the Italian Constitution and to EU and international standards, the Italian legal system should provide for specific protection measures, while actively promoting policies aimed at social integration and anti-discrimination of such groups.*

*The conference aims firstly at clarifying the critical problems affecting the social and legal condition of the Roma and Sinti in Italy. Secondly, the conference goal is to foster a discussion and make some proposals regarding a model of national bill for the recognition and protection of the Roma and Sinti as minorities.*

*The conference is designed to practitioners of the legal system, Roma activists, associations, international NGOs and public authorities.*



# 2010, June 16th - Wednesday

## **INTRODUCTION**

### **8.30 Participants registration**

**9.00** Welcome from Susanna Mantovani (Vice-Rector of the University of Milan-Bicocca), from Lorenzo Trucco (President of ASGI), from Carlo Corazza (Director of the European Commission Representation in Milan), and from Andrzej Mirga (Senior Adviser on Roma and Sinti Issues OSCE/ODIHR).

## **OPENING LECTURE**

### **9.40 Legal issues concerning the condition of Caminanti, Roma and Sinti persons living in Italy**

Paolo Bonetti, professor of constitutional law, University of Milan-Bicocca, ASGI

## **GENERAL HISTORICAL AND LEGAL ISSUES**

Chair: Giovanni Chiodi, professor of history of Italian law, Dean of the Faculty of Law, University of Milan-Bicocca

### **Presentations:**

#### **10.20 Rule of law, legal cultures and Romani identities**

Alessandro Simoni, professor of comparative legal systems, University of Florence

#### **11.00 Coffee break**

#### **11.15 Roma and Sinti people as a minority. Outlines of Italian public law and international law**

Francesco Palermo, professor of comparative public law, University of Verona, senior advisor of OSCE High Commissioner for national minorities

#### **12.00 Strategies for the protection of Roma and Sinti people in Europe**

Nicolae Gheorghe, Romani CRISS - Roma Center for Social Intervention and Studies, Bucarest

#### **12.20 The legal status of Roma and Sinti people in Italy: stereotypes and denied rights**

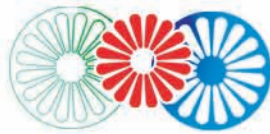
Gianni Loy, professor of labour law, University of Cagliari

#### **12.40 Roma and Sinti in Italy: urban segregation and lack of social policies**

Anna Rita Calabrò, professor of sociology, University of Pavia

#### **13.00 Lunch**





## **ISSUES OF EU LAW, INTERNATIONAL LAW AND IMMIGRATION LAW**

Chair: Bruno Nascimbene, professor of EU Law, University of Milan

### **Presentations:**

**14.30 Common basic principles drawn by EU agencies for social inclusion of Roma and Sinti people**

Matteo Fornara, European Commission Representation in Milan

**15.10 A brief history of Roma rights litigation in Europe – What has been achieved**

Jim Goldston, lawyer, Open Society Justice Initiative, New York

**15.40 Freedom of circulation and right to stay of Roma and Sinti in EU law**

Delfina Boni, lecturer in EU law, University of Milan-Bicocca

**16.10 Non citizen Roma and Sinti people and the Italian laws regulating stateless condition, international protection and legal status of EU and non-EU citizens**

Giulia Perin, lawyer, ASGI, Padova

**16.30 Coffee Break**

## **ROMA AND SINTI IN THE DOMESTIC LEGAL SYSTEMS OF EU MEMBER STATES**

Chair: Aldo Bardusco, professor of constitutional law, University of Milan-Bicocca

### **Presentations:**

**17.00 Legal protection and social inclusion of Gitanos in Spain**

Fernando Rey, professor of constitutional law, Universidad de Valladolid

**17.20 Legal protection and social inclusion of the Romani minority in Hungarian law**

Katalin Kelemen, research fellow in comparative public law, University of Florence

**17.40 Legal protection and social inclusion of the Romani minority in Romanian law**

Elena Simina Tanasescu, professor of constitutional law, Universitatea din Bucuresti

**18.00 Measures for the legal protection of Romani communities in the countries of former Yugoslavia**

Maria Dicosola, research fellow in public law, University of Siena

**18.20 Legal protection and social inclusion of the Manouche and Romani minorities in the French legal system**

Christophe Le Berre, maître de conférences en droit public, Université Paris Ouest Nanterre La Défense

**18.40 Legal protection and social inclusion of the Romani and Sinti minorities in the German legal system**

Romani Rose, President of the Zentralrat Deutscher Sinti und Roma

**19.00 Conclusion of works**





## 2010, June 17th - Thursday

### **8.30** Participants registration

#### **EQUALITY, DISCRIMINATION AND LEGAL ACTIONS**

Chair: Tiziana Vettor, professor of labour law, University of Milan-Bicocca

#### **Presentations:**

##### **9.00** Equality principle, discrimination prohibition and positive actions facing Roma and Sinti

Marzia Barbera, professor of labour law, University of Brescia

##### **9.30** A survey on Italian antidiscrimination laws and policies in the perspective of Roma and Sinti

Alessandro Maiorca, Lawyer, ASGI, Torino

##### **10.00** Roma and Sinti in the case law of the European Court of Human Rights

Victoria Vasey, European Roma Rights Center, Budapest

##### **10.30** Antidiscrimination litigation on behalf of Roma and Sinti: access to social and civil rights

Alberto Guariso, Lawyer, ASGI, Milan

### **10.50** Coffee Break

#### **Communication:**

##### **11.05** Hate speech and discrimination in the Italian public sphere. From independent reports to strategic litigation

Eva Rizzin, Articolo 3 – Observatory on discrimination, Mantua, and Mina Tanzarella, research fellow in constitutional law, University of Milan-Bicocca



photo by Mario Rebeschini

**2010, June 17th - Thursday**

## **INTEGRATION, PARTICIPATION AND COMMUNICATION**

Chair: Enzo Mingione, professor of sociology, Dean of the Faculty of Sociology, University of Milan-Bicocca

### **Presentations:**

**11.25 Regional laws concerning Roma, Sinti and "nomadic peoples"**

Federico Furlan, lecturer of constitutional law, University of Milan-Bicocca

**11.45 Discrimination and the "defective citizenship". Making up the "gypsy emergency" and the political participation of Roma and Sinti**

Nando Sigona, senior researcher, COMPAS - Centre on Migration, Policy and Society, University of Oxford

**12.05 Mass media obligations and stigma prevention**

Giulio Vigevani, professor of constitutional law, University of Milan-Bicocca

**12.25 Integration, participation and media from a Romani perspective**

Graziano Halilovic, Federazione Romani

**12.45 Lunch**

## **FREEDOM OF MOVEMENT, STAY AND RESIDENCE**

Chair: Alberto Giasanti, professor of legal sociology, University of Milan-Bicocca

### **Presentations:**

**14.15 Freedom of movement and stay, and right to housing of Roma and Sinti persons**

Cecilia Corsi, professor of public law, University of Florence

**14.40 Housing policies towards Roma and Sinti**

Antonio Tosi, professor of urban sociology, Politecnico of Milan

**15.00 Variety of Roma and Sinti housing forms in urban planning and administrative law**

Nicola Bassi, professor of administrative law, University of Milan-Bicocca

**15.20 Housing conditions of Roma and Sinti in Italy: The obligations of public administration in the light of international and EU standards. The recommendations of the EU Fundamental Rights Agency**

Elena Paciotti, EU Fundamental Rights Agency (FRA)

**15.40 Roma and Sinti right to housing. The obligations of Italy in the light of the case law of the European Committee of Social Rights on the Revised European Social Charter**

Rovena Demiraj, Council of Europe, Department of the European Social Charter

### **Communications:**

**16.00 Freedom to move and to stay and the right to a home in a Romani perspective**

Loris Levak, Associazione Rom Kalderash of Marghera-Venezia, Federazione Romani

**16.15 Sinti and Romani housing policies**

Renato Henich, Federazione Rom e Sinti Insieme

**16.30 A legal analysis of evictions of illegal settlements**

Livio Neri, lawyer, ASGI, Milan

**16.45 Coffee break**

photo by Matteo Zapparoli, ©ICS





photo by Mario Rebeschini

**2010, June 17th - Thursday**

### **LINGUISTIC, CULTURAL, EDUCATIONAL RIGHTS**

Chair: Marina Calloni, vice-representative for Italy in the EU Fundamental Rights Agency (FRA), professor of political philosophy, University of Milan-Bicocca

#### **Presentations:**

**17.00** *Could we say that Roma are one linguistic minority?*

Dieter Halwachs, professor of linguistic, Universität Graz

**17.30** *The Romani and Sinti languages: legal protection and the right to its use*

Giovanni Poggeschi, professor of comparative public law, University of Salento

**17.55** *Cultural and educational rights of Roma and Sinti people*

Valeria Piergigli, professor of public law, University of Siena

#### **Communications:**

**18.20** *Roma and Sinti children's discriminations on right to education: A socio-legal view*

Elena Rozzi, ASGI, University of Torino

**18.30** *Right to culture and to education in a Romani perspective*

Dimitrios Argiropoulos, lecturer of Pedagogy, University of Bologna, Federazione Romani

**18.45** *The cultural and linguistic mediator for Roma and Sinti*

Giorgio Bezzecchi, Cooperativa Romano Drom, Federazione Rom e Sinti Insieme

**18.55** *Voluntary programmes for supporting the schooling of Roma children*

Elisabetta Cimoli, lawyer, Comunità di S. Egidio

**19.05** *Sinti and Romani languages and cultures in the society and in education*

Robert Gabrielli, Federazione Rom e Sinti Insieme

**19.20** *Opportunities to contrast Roma urban social exclusion*

Don Massimo Mapelli, Fondazione Casa della carità

**19.30** *Conclusion of works*



**2010, June 18th - Friday**

**8.30 Participants registration**

**FAMILY AND CHILDREN'S RIGHTS**

*Chair: Maria Letizia Jabès Moretti, lecturer of family law, University of Milan*

**Presentations:**

**9.00 The legal protection of the family**

*Elisabetta Lamarque, professor of public law, University of Milan-Bicocca*

**9.30 The right to private life and to family life, the rights of Roma and Sinti children and their protection**

*Paolo Morozzo della Rocca, professor of private law, University of Urbino*

**10.00 Which protection ? A study on the adoptions of Roma and Sinti children in Italy**

*Carlotta Saletti Salza, lecturer of anthropology, University of Verona*



*photo by di Maria Grazia Dicati and Mario Rebeschini*



**2010, June 18th - Friday**



## **THE RIGHT TO HEALTH**

Chair: Mara Tognetti, professor of economic sociology, University of Milan-Bicocca

### **Presentations:**

#### **10.20 The access of Roma and Sinti people to the right to health**

Fulvia Motta, Caritas Diocesana of Rome

### **Communications:**

#### **10.45 Health conditions of Roma and Sinti people in the "campi nomadi"**

Lorenzo Monasta, epidemiologist, IRCCS Burlo Garofolo Trieste, President of OsservAzione

#### **11.00 Coffee break**

## **ROMA, SINTI AND CRIMINAL JUSTICE**

Chair: Adolfo Ceretti, criminologist, University of Milan-Bicocca

### **Presentations:**

#### **11.15 A criminal law perspective on Roma and Sinti**

Luca Masera, lecturer of criminal law, University of Brescia

#### **11.35 Case law on crimes against children involving Roma and Sinti individuals**

Francesco Viganò, professor of criminal law, University of Milan

#### **11.55 Procedural law and multiculturalism**

Giulio Ubertis, professor of criminal procedure, University of Milan-Bicocca

#### **12.15 Roma and Sinti in criminal proceedings and in the penitentiary system**

Lorenzo Trucco, lawyer in Turin, President of ASGI

#### **12.35 Juvenile criminal justice and protection measures applied to Romani and Sinti minors**

Laura Laera, Judge, Appellate Court of Milan, President of the Italian Association of Juvenile Judges for Minors and the Family

#### **12.55 Who kidnaps the children? The results of a research about the cases of alleged attempted abduction of gagé children by Roma in Italy from 1986 to 2007**

Sabrina Tosi Cambini, lecturer of Anthropology, University of Florence

#### **13.15 Lunch**

## **THE FUTURE CHALLENGES**

Chair: Tommaso Vitale, lecturer of sociology, University of Milan-Bicocca

#### **14.30 Hate crimes and State challenges within the OSCE region**

Andrzej Mirga, ODIHR – OSCE

#### **14.50 Roma and Sinti: Citizens with no country or European trans-national people?**

Maurizio Cermel, lecturer of constitutional law, University of Venezia Ca' Foscari and Secretary-General of "Fondazione Venezia per la Ricerca sulla Pace"

#### **15.10 Against Ethnic Profiling**

Ivan Ivanov, ERIO (European Roma Information Office), Brussels

#### **15.30 The road to interaction: Overcoming the failures of a culture which integrates and of a culture which is integrated**

Yuri del Bar, Sucar Drom, Federazione Rom e Sinti Insieme

#### **15.50 Anti-racism and anti-intolerance measures protecting Roma and Sinti people: recommendations of the Council of Europe**

Michael Guet, Council of Europe, Head of the Roma and Travellers Division

#### **16.15 Coffee break**

**2010, June 18th - Friday**



**16.30 ROUND TABLE**

## **TOWARDS AN ITALIAN LAW PROTECTING ROMA AND SINTI PEOPLE?**

*Chair: Cesare Pinelli, professor of public law, University of Rome "La sapienza"*

### **Participants:**

*Representatives of the ASGI*

*Members of the Parliament: one for each Parliamentary group*

*Mario Morcone, prefect, Head of the Department for Civil Liberties and Immigration, Ministry of Internal Affairs*

*Lucia Scarpitti, Head II Division, DG Guidance and Training, Ministry of Labour and Social Policy*

*Olga Marotti, UNAR (National office against racial discriminations), Department for Equal Opportunities, Presidency of the Council of Ministers*

*Flavio Zanonato, Mayor of Padua, representative of ANCI (Association of Italian Municipalities)*

*Representatives of UPI (Association of Italian Counties) and of the Regions Conference.*

*Davide Casadio, Associazione Sinti Italiani and Missione Evangelica Zigana (MEZ)*

*Piero Colacicchi, OsservAzione*

*Radames Gabrielli, Associazione Nevo Drom and Federazione Rom e Sinti insieme*

*Carla Osella, Associazione Italiana Zingari Oggi*

*Maurizio Pagani, Opera Nomadi of Milan*

*Dijana Pavlovic, Upre Roma*

*Mons. Giancarlo Perego, Director Fondazione Migrantes, Conferenza episcopale italiana*

*Sergio Suffer, Associazione Nevo Gipen, Federazione Romani*

**19.30 Conclusions**



## Promoters

- Associazione per gli studi giuridici sull'immigrazione (ASGI)

- Dipartimento giuridico delle istituzioni nazionali ed europee dell'Università degli studi di Milano-Bicocca

- Dipartimento dei sistemi giuridici ed economici dell'Università degli studi di Milano-Bicocca

- Dipartimento di sociologia e ricerca sociale dell'Università degli studi di Milano-Bicocca

- The European Commission Representation in Milan

## Main target groups

Lawyers, judges, social workers, Italian and foreign NGOs, representatives from public administration, local governments councillors, teachers, Italian and foreign scholars.

## Dosta Campaign

**Dosta!**: Go beyond prejudices, discover the Roma. "Dosta", a Romani word meaning "enough", is an awareness raising campaign aiming at bringing non-Roma closer to Roma citizens. During the conference the "Dosta!" campaign will be presented.

## Organizing and Scientific Committee

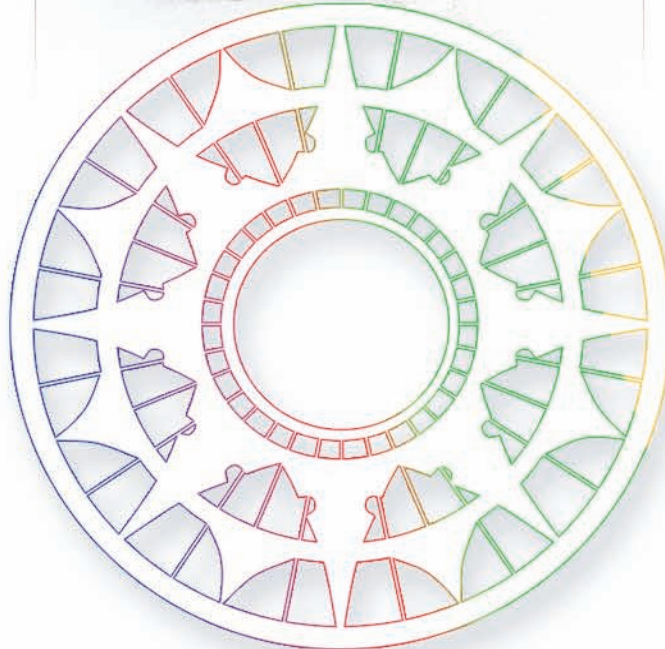
Paolo Bonetti, Department for Legal Studies on National and European Institutions, State University of Milan-Bicocca, ASGI

Alessandro Simoni, Department of Comparative and Criminal Law, State University of Florence

Tommaso Vitale, Department of Sociology and Social Research, University degli studi of Milan-Bicocca



photo by Mario Rebeschini.



## Registration

There are no conference fees.

Registration is compulsory for organizational constraints.

In order to register, please fill the form on line at [www.asgi.it](http://www.asgi.it).

Registration will open on April 12th till June 7th.

## Information

For any further information, please send an email

[condizionegiuridica.rom@unimib.it](mailto:condizionegiuridica.rom@unimib.it).

In the Conference website there will be a page with documents and reference materials.

To know how to reach the conference, please visit this website:

<http://www.unimib.it/go/Home/English/Secondary-menu/How-to-reach-us>.

## Hotel Accomodation

To reserve your hotel room at best available daily rate please look at the Conference webpages [www.asgi.it](http://www.asgi.it). A limited number of rooms have been made available at the University Residences.

## The Conference has been organised thanks to the generous support of:

- Council of Europe
- Equal Opportunity Commission of the State University of Milan-Bicocca
- Fondazione Cariplo
- Jean Monnet Center of the State University of Milan
- Open Society Justice Initiative
- ODIHR (Office for Democratic Institutions and Human Rights - OSCE) Roma Contact Point
- The Rectorate of the State University of Milan-Bicocca
- Unidea - UniCredit Foundation