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Introduction

On 8 June 2008 groups of Roma and Sinti people took to the streets of Rome alongside their supporters and other activists in an attempt to challenge the 'security package' passed by the Berlusconi government and the laws and regulations that were increasingly felt to be discriminatory. 'The Roma people come out of the camps!' titled one of Italy's main dailies *La Repubblica*. 'I campi nomadi' or 'camps for nomads' have been a semantic and spatial fixture of Italian political life since the 1960s, when they were set in place in response to the imagined nomadism of Roma populations, particularly those coming from former Yugoslavia (Piasere, 2006). More recently Roma camps have come to the attention of European institutions, with the dismantlement of the so-called 'unauthorised' camps inhabited by the Roma, evictions and the relocation of some Roma groups to a smaller number of official camps located outside of urban centres. The demonstration is important in this context, because it is a moment whereby Roma and Sinti groups become visible as political actors and speak out collectively against their criminalization and forced relocation/eviction, thus challenging the de-legitimization of their social and political agency.

In this paper we consider the significance of the 8 June demonstration for contemporary debates around European citizenship. Specifically, we explore how this coming out of the camps can be understood as an *act* of European citizenship (Isin, 2008). An act of citizenship implies the coming together of people to constitute a new subject of politics that disrupts instituted scripts of citizenship by claiming the right to have rights. Going further, we consider how an act of temporary mobilisation in a national context intervenes in the terrain of European citizenship. The fact that the demonstration is located within the geographical space of Europe or the EU does not necessarily make it an act of European citizenship. Rather, we suggest that the demonstration enters the terrain of European citizenship by enacting its paradoxes. Specifically, we focus on how the Roma and Sinti's 'coming out of the camps' mobilises mobility in its multiple, paradoxical facets. At first sight, the demonstration seems to have little in common with the debates about freedom of movement, political participation and citizenship in the EU. Yet, on a closer look, the demonstration plays out the paradoxes of mobility that are effaced by the discussion of freedom of movement and citizenship in Europe. There are various paradoxes at play here: the excessive mobility of the Roma and Sinti as supposed 'nomads' versus the immobility enforced by the camps; the mobility of Roma and Sinti groups both across borders and across urban, less visible, boundaries versus the forced mobility between camps entailed by continuous evictions and camp closures; and the migration and citizenship status of Roma and Sinti groups versus their social (im)mobility. The demonstration also plays out the paradoxes of instituted modes of being a European citizen: active, flexible, in movement, but also identified with the demos or an ethnic community.

By considering how the demonstration opens up the paradoxes of European citizenship, this paper suggests that the events of 8 June 2008 can be seen as an act in which a collective political subject disrupts European institutional norms. This collective subject is enacted momentarily through the self-organised movement of Roma, Sinti and their allies through the streets of Rome, as well as through their claiming of a wide palette of identities and rights. In so doing, we show how the demonstration constitutes a multifaceted claim of the right to have rights and a demand for social and political justice that exceeds the limitations of European

citizenship. The demonstrators draw on existing political framings regarding anti-discrimination, freedom of movement and minority rights, but bring them together in a paradoxical way by simultaneously enacting and disrupting the instituted dichotomies through which Roma politics, and more generally, the debates about citizenship in Europe are organized.

Nevertheless, we suggest that the paradoxical disruption and enactment of European citizenship requires more than a momentary act of creating collective political visibility. While the Rome demonstration does not seem to have resulted in a continuous integration of Roma and Sinti activists or in the frequent manifestation of collective political subjectivity at a national level, it contributes to a broader political rhythm of Roma politics on a European scale. A rhythm involves a 'living tempo defined in terms of duration' (You, 1994) which is constituted by an unordered frequency of acts of citizenship. By articulating the demonstration as part of this 'disorderly' rhythm, we aim to show the broader significance of the Rome demonstration by showing how Roma politics disruptively intervene in the institutionalised terrain of European citizenship.

Making visible

In one way Roma politics has become undoubtedly European. Since the end of the Cold War and more recently since the accession of Eastern European countries, the Roma have gained extremely high public visibility in Europe. Thus, actions by the Italian government had immediate resonances in Europe, resulting in European delegations inspecting Roma camps, along with an attempt to start litigations before the European Court of Justice. Yet, Roma politics is also local and national. Many demonstrations for Roma rights happen at local scale and aspire towards an intervention in the national political field, as was the case in the Rome demonstration of 8 June 2008. Indeed, it is often assumed by activists that 'Europe' has no impact on local politics, which is where many policies that adversely affect the Roma are de facto formulated and implemented. However, rather than addressing Europe exclusively in terms of policy-making, the demonstration becomes part of a political rhythm through which Roma politics both engages and challenges European citizenship. This political rhythm combines a variety of rights claims and specific bodily manifestations of people on the move which both enact and disrupt instituted renditions of Roma policies. In the 8 June demonstration, through enacting paradoxes of mobility and ethnic identification, Roma and Sinti groups claim the right to exist in relations with strangers which do not deprive them of freedom. As we will see, this is a central characteristic of the rhythm through which the Roma enact European citizenship.

The demonstration of 8 June 2008 is of interest to us, because it is one of the key demonstrations of Roma and Sinti in Italy and in Europe that has emerged over recent years. It started at noon in the heart of Rome, where a few thousand people¹, the vast majority of them Roma and Sinti, gathered around the Coliseum. Probably the best known laic historical attraction of Rome, the Coliseum has long been the chosen starting point or final destination of political and cultural demonstrations, most likely because of its central and spacious location and its symbolic value for the city.

¹ Estimates range between 2,000 (mainstream media <http://roma.repubblica.it/dettaglio/La-marcia-dei-Rom/1473271>) and 20,000 (EveryOne Group, one of the organisers http://www.everyonegroup.com/EveryOne/MainPage/Entries/2008/6/10_Rome._20_thousand_s_demonstrators_protesting_against_the_persecution_of_the_Roma.html)

The Roma and Sinti came to the Coliseum from the camps in and surrounding the capital, as well as from Florence, Pisa, Naples, Turin, Milan, and Bologna. According to EveryOne, there were representatives from all major camps of Italy, and according to Viktoria Mohacsi there were Roma from a number of other countries who had travelled there in order to demonstrate² (Mohacsi, 2009).

Music and dancing accompanied the whole length of the demonstration, while the numerous banners that unfolded were raising diverse claims and voices, from 'Roma have never fought a war', to 'Born Condemned', 'No to racist information against Roma', 'no to xenophobia', 'For a better life', 'Peace, Rights, Dignity' etc.³ The demonstrators walked, drove parade trucks and danced shouting slogans like 'we want papers', 'we want to go to work', and claiming 'we are not animals', or 'we just want to be left in peace', or 'not being here today is like not existing'⁴. They went along the road connecting the Coliseum to the Nero Nymphaeus Park towards the 8 September Resistance Park⁵. Here the demonstration lingered for a while, as groups of people queued in front of a stand to have their fingerprints taken in a symbolic act of protest against the census of Roma and Sinti that had been taking place in the regions around Rome, Milan and Naples.

When the demonstration took off again, it turned towards 'il Testaccio', a more than symbolic place: along the Tiber's riverside in 'il Testaccio' many Romanian Roma had recently found shelter in shacks (or 'unauthorised camps') before being evicted by bulldozers earlier that year⁶. The demonstration did not reach the riverside, it stopped just before, gathering in a large, open air social centre called the Global Village. Adjacent to the Global Village is the so called 'Mattatoio' which had been the city's slaughterhouse until 1975. The 'Mattatoio' had also been a settlement of Italian Roma and Sinti for over 20 years, the last of whom had got evicted on 6 June 2008, two days before the demonstration⁷.

Once at the social centre, a big stage gave platform to a range of speakers, including one of the main organisers Alexian Santino Spinelli (Italian Roma Musician).⁸ After the last speakers and the last applause the dances took over, and the last demonstrators left when the sun went down. Roma and Sinti had come out of the camps and had shown their presence in the centre of the capital alongside other non-

²Press Release by EveryOne Group:

http://www.everyonegroup.com/EveryOne/MainPage/Entries/2008/6/10_Rome_20_thousand_s_demonstrators_protesting_against_the_persecution_of_the_Roma.html (last accessed 01/07/10);

³ Images of the demonstration and of the banner and placards held can be found here:

<http://viewmorepics.myspace.com/index.cfm?fuseaction=viewImage&friendID=351313250&albumID=613665&imageID=4069738>; <http://www.youtube.com/watch?v=zm6K1RKIU98>
<http://www.youtube.com/watch?v=v6yV3j1LBT8>;
http://www.photoshelter.com/c/nigeldickinson/gallery/Roma-Gypsies-Italy-June-2008/G0000JKv4VuS2Zwk/?_bqO=0&ppg=25&_bqH=eJzzKg3yzs_vjizM9A1x87fwNk_yNQhM90sPCvC1MjOzMjK1snKP93SxdTcAAi_vMpOw0mCjgPJstQCQqJq7Z7y7o4.Pa1AkNkUAH.Ebmw-- (last accessed 01/07/10)

⁴ DVD on the demonstration by Officina Multimedia (www.officinamultimedia.eu) 12:54;

⁵ Refers to 8 September 1943 when Italy signed the armistice with the US.

⁶ <http://www.annesdoor.com/news0.html> (last accessed 01/07/10)

⁷ <http://roma.repubblica.it/dettaglio/Sgomberati-120-nomadi-dallex-mattatoto/1472609>;
<http://suilettidelfiume.files.wordpress.com/2009/03/sldf-cap21.pdf> (last accessed 01/07/10)

⁸ Other speakers were Humica Alilovic, a Romani woman from Ex Yugoslavia, and Juan de Dios, Spanish Gitano, former MEP.

Roma citizens, in an area which used to be a long-standing camp, until two days before.

Coming out of the camps to demonstrate is in the first instance an assertion of political presence and an act of constitution of political subjectivity. Reflecting this, statements at the demonstration claim: 'Not being here today is like not existing'⁹ and 'An important day today. Rom folks themselves have risen up and begun to cry out: "Please, stop. That's enough!"'.¹⁰ Becoming visible as a political subject is an important stake for the demonstrators, in the context of the increasing criminalization of and political attacks on Roma and Sinti. Thus, one group claims that: 'For the first time a huge event such as this took place in Rome, in a big city, hence making the issue visible to institutions both in Italy and in Europe. It was useful because afterwards these institutions sent some commissions to assess the situation in the camps. Finally, the Roma exist as an issue of public interest.' (Malini, 2009). Yet the significance of the Roma and Sinti claiming political subjectivity through the demonstration does not simply serve to address the fact that the Roma have been ignored as political subjects with whom to negotiate and dialogue (Pagani, 2009). Rather, asserting political visibility is highly ambivalent for the Roma in the contemporary context.

Roma and Sinti in Italy (and Europe more generally) are located in a paradoxical position between visibility and invisibility. On the one hand, new laws and regulations which lead to their eviction, forced or facilitated repatriation and relocation in camps at the outskirts of urban centres signal a struggle to reduce or efface Roma and Sinti's presence from the public spaces. These measures also reduce or even suspend the possibilities for political participation by Roma and Sinti groups. The invisibilisation of Roma and Sinti in this regard is the direct result of strategies of criminalisation and securitisation which struggle to render such groups non-political and even less-than-human. In April 2008, Berlusconi won the primary elections in Italy, and in May 2008, soon after its formation, the Government passed a Decree declaring the 'Nomads State of Emergency' in the regions of Lazio, Lombardia and Campania, granting to the Prefects of Rome, Milan and Naples extraordinary powers to carry out 'the monitoring of formal and informal camps, identification and census of the people, including minors, who are present there, the expulsion and removal of persons with irregular status, and measures aimed at clearing 'camps for nomads' and evicting their inhabitants' (Storia, 2009).¹¹ Berlusconi's security package on migration, in its first proposal, contained a law aimed at limiting immigration from new EU member countries, hidden under the title "Free Movement of EU citizens" (Guadagnucci, 2009b:114). The proposed law maintained that EU citizens could only reside freely in Italy for three months, after which, they would have 10 days to prove financial security, the possession of a health insurance and that they lived an accommodation in line with hygienic requirements. If they did not get on a register

⁹ Statement during 8 June 2008 Demonstration in Rome – www.sudmilano.org/?q=node/1592 (last accessed 01/07/10)

¹⁰ Graziano Halilovic – Cultural mediator/Parade promoter Officina Multimediale (2008). Non essere qui oggi è come non esistere. Voci da un corteo: l'orgoglio Rom e Sinto per la prima volta in piazza. Rome, M'Arte.

¹¹ Daria Storia ITALY REPORT "EU Values: The Roma Migration Challenge", available at http://www.osservazione.org/documenti/ITALY%20REPORT_Daria%20Storia.pdf (last accessed 01/07/10)

within 10 days, they would be removed on 'public security' grounds (Guadagnucci, 2009b). This measure would obviously affect particularly that part of the population living in caravans or in nomad camps (Roma and Sinti by vast majority, if not exclusively).

EU Justice Commissioner Jacques Barrot, Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, and some MEPs called upon the 2004/38/EC Directive on Free Movement to protest against the developments in Italy. Some of the security measures could not – and did not – pass the test of non-discrimination according to EU law (many of the Roma concerned were Romanian and EU citizens as of 2007). Yet in the end the Italian government drew on the security limits to free movement that are included in the Free Movement Directive itself. Free movement, which includes residence, can be limited on both public security and social security grounds. The latter refers to requirements aimed at limiting access to welfare state provisions under certain conditions. Italian policies and the Roma protest in Rome allow us to see how policies of criminalising and increasing the threshold for Roma to enter the formal economy, in which the governance of the camps has increasingly played a role, are a governmental practice which pro-actively works the limits and ambivalences of the EU's free movement policy for political purposes.

That Italian policies on the Roma demonstrate the limits of EU policy and that this has implications in terms of the visibility and political being of Roma and Sinti groups is evident in the statement by Maurizio Pagani from Opera Nomadi Milan: 'All the decrees, bills etc have the purpose of turning the Roma into invisible political subjects' (Pagani, 2009). At the same time, however, such policies and the reproduction of their negative framing in the media make the Roma a visible and politicised group in a highly problematic way. As a Roma activist in Italy suggests: 'The media which are controlled by political parties will say that the Roma are dirty, criminals etc. We appear in the newspapers only when there are crimes.' (Spinelli, 2009). In this regard, the Roma and Sinti are visible as the objects rather than as the subjects of politics.

It is in this sense that restrictions over Roma movements in and out of camps can be understood as a key dimension in the struggle over visibility/invisibility. Roma and Sinti mobilities are primarily rendered visible as a threatening form of mobility through an emphasis on the problems of Roma moving in and out of the camps (Clough, 2009). The Roma are often presented as excessively mobile, with their mobility presented in terms of physical movement rather than in terms of creating social relations which require physical mobility. Indeed, the camps play an important role in placing them and keeping them outside of the social fabric.

Ascribing the Roma with excessive physical mobility goes hand in hand with their social marginalization. An emphasis on integrating the Roma in EU policies in this regard does not seem to address the importance of mobility in terms of the political visibility of Roma and Sinti groups:

[A]fter many years in Italy, the Roma community has been the only migrant minority that is still exclusively in a subaltern condition, totally excluded from Italian society. We haven't registered any cases of social inclusion. They do not create an economy, they do not participate in the job market, have no contact with the state, they marry each other generation after generation. Unfortunately this type of cultural exclusion continues together with their practices of 'informal economy' (Masala, 2009).

The governance of camps assumes a similar form of de-socialisation and therefore creates a regulative framework of conduct that prohibits and requires certain social behaviours:

The new 'patto' [in Milan] establishes a set of rules that go well beyond what you would normally expect in other council-run areas such as housing projects etc. The 'patto' makes clear that certain behaviours can lead to the expulsion of camp residents; these are behaviours that would not be considered illegal for other citizens. For example, if we, as normal citizens, have children, it is our duty to take them to school every morning; we don't have to express publicly however in front of our neighbours that we will do so, as is required instead of the Roma, lest they are kicked out of their houses. (Pagani, 2009).

The pact, tellingly entitled as pact of 'sociality and legality' ('patto di socialità e legalità') precedes the 'security package', and can be seen to both recognise the role of sociality in governing the mobility of the Roma as well as denying the Roma the attribute of sociality itself. Their presence in the camp is read as a-sociality rather than a complex contestation of governmental practices of de-socialisation and attempts at recreating sociality by the Roma.

Ironically, it is thus under the guise of creating Roma sociality that the pact fosters a very specific form of sociality: namely a form that is based on limited social exchanges between *unequal* subjects:

But differently from a normal pact, this is not an agreement between two equal subjects but between a subject in power and a subordinate one. You sign it and abide by a list of rules. They are rules that have been approved also at a national level. You sign and declare that you'll send your kid to school, you will not beg on the streets, you'll not steal and you'll be honest. Just think how oppressive and humiliating this can be for a person (Bezzecchi, 2009).

The evictions and containments that result from the 'security package' thus limit the scope for Roma and Sinti groups to build social and political alliances (Vitale, 2008:24). They also worsen the living conditions of the Roma. Nando Sigona remarks that the Romanian Roma, when evicted, go to another place and most often end up living on the river banks in temporary and precarious conditions (Sigona, 2009). The evictions reconstruct 'nomadism' as a new reality of the Roma life; one that is characterised more by enforced (im)mobility than free movement, as the vision of 'nomadism' would usually entail:

We have always thought of the Roma as people who have wanted to live by choice within their own microcosm; these days, they are stuck with this condition because they are often afraid of going out of the camps, of taking a car and driving (Pagani, 2009).

Their camps are under the bridges, near rivers, hidden behind reeds and bushes; this is because they are afraid of being targeted by the recent wave of hatred towards them (Ciani, 2009).

This is not the romanticised nomadism of Roma-travellers who were temporarily transiting spaces and places, but the feared nomadism of the new vagrants. Roma are forced to wander from place to place both looking for alternative accommodation and avoiding encounters with the police.

Ultimately, these forms of quasi-segregation further restrict the political agency of the Roma and are depoliticising in a stronger sense:

...Roma and Sinti groups, even if they can have the capacity of self organising and to have their own forms of representation, are not considered dignified and reliable

interlocutors, with the result that these capacities tend to get atrophied and lost (Vitale, 2008: 25, our translation).

It is in this context that the demonstration is important both in challenging governmental strategies of enforced mobility and immobility, as well as in challenging the limited or negatively charged visibility of Roma and Sinti that is constituted through their securitisation and criminalisation. The demonstration makes visible the political capacity of the Roma to act as citizens or engage politically, thus disrupting the depoliticising effects of invisibility.

The problem of limited or negatively charged visibility is underpinned by common assumptions of liberal politics. On the one hand, some expect that a strategy of increasing political visibility will reinforce discriminations and violence against the Roma, especially in the case where the Roma assert a distinct history and cultural identity. As Kovats (2003) has argued, pursuing a policy of minority rights to address discriminations can lead to an increased ethnic and homogenous rendition of what is actually a diverse group of people, thus reinforcing nationalistic responses through the political formulation of Roma as a 'distinct' people.

On the other, the Roma coming out in significant numbers to assert a collective political voice could risk reinforcing the fear of small numbers (Appadurai 2006):

'You see what kind of result the demonstration had. Nothing. They hate us even more than they had before because we appeared down the streets and everybody is threatened. They are afraid if they see a big mass of Gypsy people coming and gathering together, and they fear that if they can get together, then they also could organise themselves and be much more dangerous in the future for the police, the carabinieri and the other authorities.' (Mohacsi, 2010)

In contrast to this assumption that visibilisation is a risky strategy, however, others suggest that '...by leaving us invisible they can always treat us like scapegoats for whatever they want' (Gabielli, 2009). The demonstration in this respect holds both potentialities and limitations, because by employing a strategy of visibilisation it creates political openings which can also serve as conditions for political closure.

Despite the risks of visibilisation as a strategy, the demonstration does challenge the common assumption that Roma groups do not tend to engage publicly or politically. This assumption is exposed by one Roma activist, who claims that "invisibility is simply a cliché that is used to hide the absence of a strategy that may allow the Roma to escape marginalisation" (Guarnieri, 2009). Yet this claim is perhaps indicative of the endurance of stereotypical conceptions of Roma invisibility, and can be found expressed in the literature by Roma activists even into the late-1990s (Gheorghe and Mirga, 1997). It can also be, as indicated by Tommaso Vitale, an effect of long-standing repetitive strategies of depoliticising the Roma by reducing or suspending their possibilities for political participation (Vitale, 2008). Indeed, such an assumption is also evident in some of the statements of activists and advocates that we interviewed:

You have to consider that Roma themselves do not like external attention. They live their exclusion thinking of it as a privilege. In the previous three years, every time I tried to involve them in one of the events in support of immigrants they have always answered no, saying that they do not do that sort of things because they have the privilege of being invisible (Masala, 2009).

While claims regarding the preferred invisibility of Roma are not necessarily wholly unfounded, the assumption that invisibility is a distinctive feature of Roma identity is unfounded, as well as being highly problematic. Such an assumption transforms a

political strategy and an effect of discrimination and marginalisation into a cultural identity, while generalising from specific contexts in ways that potentially render alternative enactments of political subjectivity invisible.

In this regard, the demonstration is an important illustration of the limitations of such assumptions regarding the preferred invisibility of the Roma and Sinti. A strategy of visibilisation is key to understanding the importance of the demonstration:

Like what happened in the US in the 1950s and 1960s when black people rebelled against racism, this demo in Italy was meaningful because so many Roma came out in the street, in the open, to protest and to speak loudly. They claimed recognition of their rights and demanded to be treated like anyone else (Malini, 2009).

Moreover, visibilisation is a complex strategy that requires self-organisation and agency and is even more difficult in situations of marginalisation and criminalisation:

It's easy to do the same thing when you're socially accepted but it's different when you live at the margins, like them. The value of their actions, I think, is much more significant, because they risked everything (Malini, 2009).

One of the important dimensions of the demonstration is that this enactment of political visibility challenges a charitable approach of addressing discriminations. This is particularly important in the European and Italian context, where there has been criticism of non-Roma groups receiving money to support the integration of the Roma and Sinti. 'There was an idea that Roma could not mobilize. It was based on the idea of a kind of charity. The idea that we have to help them, they are victims, but it was not an idea of political subjects...' (Sigona, 2009). While charity can be an important practice in alleviating the worst effects of discrimination, it often works against the development of political voice by defining the Roma and Sinti as victims or as 'poor' people 'deserving' of help. Claiming political voice challenges such a dynamic because the recipient asserts a claim to be a rights holder who can claim assistance according to a principle of equality rather than through his or her (ultimately arbitrary) categorisation as worthy of aid. This difference is something which Georg Simmel discusses in his analysis of the right of assistance to the poor, whereby rights shifted assistance from the subjective arbitrariness of charity to an objective claim that the poor can make upon others. The shift toward rights in this regard did two things: firstly it transformed the poor from an object into a subject who could act upon other subjects, and secondly it transformed society more generally by connecting such claims to an abstract notion of humanity. (Simmel, 1971). This focus on rights as an objective claim is one that the former MEP Viktoria Mohacsi translated in the European Parliament into a fight for citizenship for Romani people: 'Then because of migration and the very so called dangerous trends I changed my focus onto migration and also citizenship: how Romani people can have access to their own citizenship and what can they do with this issue.' (Mohacsi, 2009)

While the paradoxes surrounding political visibility and invisibility play out in specific ways for the Roma and Sinti, such ambivalences are not limited to these groups. In many senses, such paradoxes play out in different ways in relation to many marginalised, politically invisible, and victimised groups who experience severe discriminations. In this case, however, the coming out of the camps by Roma and Sinti groups is an important disruptive act precisely because it challenges both the naïve embracing of 'becoming public' as 'good' and also the equally problematic endorsement of the best strategy being to 'keep one's head down' in difficult times. Moreover, it challenges assumptions about political participation as being simply a matter of individual choice. It is thus important to take a closer look at how the Roma

made themselves visible on 8 June 2008 in order to evaluate the political significance of the demonstration. This is crucial so that we can consider how the Roma enacted the paradoxes of European citizenship. As particular modes of mobility appear to define the singularity of the Roma in Europe today, we look at how different modes of mobility play out in the demonstration and unpack their political implications.

Enacting mobility

Strategies of visibilisation/invisibilisation are intimately connected with forms of physical mobility, just as the 'pact of sociality and legality' indicates that mobility is entwined with sociality. The ability to be mobile can be indicative of one's being part of society, which is conceived in terms of the pact as being integrated in a substantively defined community but which we conceive here as being part of society through relations that are constituted according to a principle of equality (see Aradau, Huysmans and Squire, forthcoming, 2010). Mobility in this regard stands in an ambiguous relation with integration as it has been institutionalised within the European Union. On the one hand, functional mobilities have been seen as potentially constituting a European collective consciousness and a European identity expressed in shared culture and values. Mobility is here internal to the European project as a vehicle for transcending national identities in the formation of a supra-national *demos*. Yet such an emphasis on mobility also shifts the focus away from movement across borders to movements of both a social and physical type. On the other hand, mobility thus challenges the territorial and cultural lines of inclusion/exclusion which integrative approaches inscribe into political formations. Drawing on this latter insight, mobility is thus not simply conceptualised here in terms of movement across borders, but is rather re-conceptualised as a *form of sociality* that is based on exchange relations in which people become detached from personalised community bonds. The main source for our understanding of mobility as such is Georg Simmel's sociology of money (1978) and the stranger (1950a).¹²

The demonstration in Rome simultaneously plays against and into manifestations of cultural identity and different claims of sociality through relations of exchange. In relation to the former, communal bonds serve as the primary frame of reference and debates around minority rights become central. In the latter, it is relations of exchange rather than communal bonds which constitute the ground for social and political relations, thus working against the claim to cultural identity that runs through debates around minority rights. As such, claims centred on minority rights are enacted in Roma politics alongside claims that are centred on mobility, which situates the demonstration in relation to debates around free movement. The demonstration, we suggest, brings out the paradoxes and tensions that characterise these two dimensions of European citizenship.

In the context of European politics, most explicitly since the 1990s, questions about Roma integration have been primarily mediated through questions of minority rights and substantive integration rather than through questions of freedom of movement. Consequently, Roma and Sinti access to European citizenship does not primarily run through mobility claims but is structured through minority rights. Movement across borders has often been the trigger for devising different policies targeting the Roma

¹² This conception of mobility has been developed in Aradau, C., J. Huysmans, and Squire V. (forthcoming, 2010). "Acts of European Citizenship: a political sociology of mobility." Journal of Common Market Studies.

instead of a medium for transforming the position of the Roma in European societies. Particularly with the accession of Eastern European countries, imaginaries of floods and massive influxes of Roma migrants have crept up the political agenda. Despite the role that migration and the perceived 'excessive' mobility of the Roma play in recent political measures in Italy as well as elsewhere in Europe, the EU, in line with the OSCE, has approached the issue much in terms of minority rights (Guglielmo & Waters, 2005; Mohacsi, 2009). This is problematic because, as Kovats has pointed out, the notion of 'gypsy' identity has traditionally been used to support the marginalization of Roma communities. (Kovats, 2003)

Despite the dangers of an identitarian approach, Roma advocates often conceive the emphasis on maintaining the claims of the Roma as separate from those of other groups as an important political strategy. This leads to some tensions within the demonstration itself, with some arguing for the solidarity of Sinti, Roma and others and with some arguing for a distinctive Roma position. The importance of the latter as a political strategy is evident in the claim of one of our interviewees, who notes that: '[t]he Roma need to be dealt with in a very specific way, mostly because they are very few, compared to the other immigrant groups, even though according to everybody they are such a huge public threat' (Pagani, 2009). While this point may be one with significant purchase amongst some activist groups, it does not seem to garner all the support of the participants if we judge by the demands at the 8 June demonstration. Many of the claims formulated at the demonstration might better be understood as part of a particular understanding of sociality through exchange relations. This is evident, for example, in the claims for rights to citizenship, papers, work, housing, education and integration, which are unmistakable in the video clips of the demonstration. While the politics of minority rights invokes a specific form of sociality based on identity claims and enacting close-knit communities, we conceive such claims in relation to an alternative form of sociality: what we have called a 'sociality of mobility' (Aradau and Huysmans, 2009; Aradau, Huysmans and Squire, forthcoming, 2010) This form of sociality, Georg Simmel suggests, was made possible both by the advent of money-mediated exchanges as well as by the increasing role of traders and merchants in modernity. This sociality is based on detaching interaction and exchange from conceptions of fixed community – whether kinship or professional – and from being bound by land property. The capacity to exchange goods and services becomes valued in itself, while it is made possible by mediating exchange through money, which in itself – i.e. as a substance – does not contain special value. Such 'detachment' creates intense social relations between (and with) strangers, who can easily move between communities since their action is not defined by belonging but through a capacity to exchange.

Insisting on this point does not delete the tensions or paradoxes that run through the demonstration. On the one hand, the demonstration is articulated as part of a nationalist project:

We are a nation without a land. We are a transnational community and it is our language that unites us. Even though there are national borders, we have a very clear identity which is the Romani identity. (Spinelli, 2009)

On the other hand, there is a strong emphasis on the importance of human rights:

Basic human rights such as health care are being denied. It is harder to send children to school. So here's another right that is denied, schooling. It is also almost impossible for a Roma person who lives in a camp to find a normal house. Nobody would employ a Roma either so we have no right to work either. (Spinelli, 2009)

One of the recurrent images in a documentary about the demonstration is of girls belly dancing on a trailer. Traditional dances and music accompanied the demonstration and a scene was set up where Romani musicians performed towards the evening. This tension between claiming the Roma as a distinct people and claiming universal rights as human beings is immanent to current struggles over citizenship. As one of our interviewee states:

If we do not recognize the Roma as a people without a nation it is impossible to give them any right to citizenship. Besides, these people live in almost inhuman conditions and have no land. Roma and non-Roma activists from around Europe have created in the last 20 years, together with some jurists, an important statute of the Roma people. In our opinion, this is the most important document offering suggestions about how Europe could deal successfully with the discrimination of the Roma. The statute illustrates how Europe could meet the needs of the Roma community and overcome the present situation of segregation. Perhaps the recognition of minority rights is currently more important for the Roma. However, EveryOne devotes its efforts into making sure that human rights are respected too. (Malini, 2009)

Human rights claims and nationalistic claims run in tension throughout the demonstration, as these statements all suggest.

Indeed, such tensions are indicative of a paradox within the formulations of citizenship more generally – but in the case of 8 June demonstration, also of a paradox formalised by definitions of European citizenship. While the tension between abstract human rights and particular national and cultural identification is well acknowledged (with all the dangers associated with both the former and the latter as feminist and postcolonial scholars have made patently clear), it also functions in a different way in the 8 June demonstration. On 8 June 2008, the Roma and the Sinti were not simply politicised as a minority community. While it has been articulated as such in some instances, what we also find is a politicisation based on a form of sociality that is grounded in relations between ‘strangers’, as well as in the exchanges between strangers that such relations entail. This is evident, not in a tension between minority and human rights claims and that between particularity and universality, but in direct claims for access to work, housing and education, as well as to social mobility, each of which is important in creating and sustaining such exchanges:

‘Enough with camps, yes to people’s (council) housing, yes to work, we want a better future for us and for our children’ (Demonstration Banner)

When I talk about rights I am referring to education, work but also the possibility of having an active role in society. Hundreds and hundreds of these rights have been denied to us. We are very much after the right to work and the right to have a house. (Adzovic, 2009)

The importance of claims such as these is, we contend, *not* that they draw attention to a pre-formed community demanding inclusion. Rather, such claims are important because they emerge from a series of exchanges that expose how or demand that the Roma and Sinti are embedded within the social fabric. This is nicely exemplified in the following claim:

‘We are here, we live here. You can’t erase us’. ‘Give us the chance to live with you’ (Adzovic, 2009).

The capacity to develop sociality through entering exchange relations with strangers is made more difficult where the Roma are constructed (often against the Sinti) as an

ethnic community that differs from other national communities. When represented as such, the Roma are primarily contained within national boundaries, with EU integration policies focusing on countries deemed to have Roma minorities and with questions of migration and citizenship often falling out of the picture.

The claims for human rights also challenge an identitarian and nation-based approach to the Roma as 'nation without a state' or 'minority within a state' by strongly supporting claims for equal rights and to participation in public life.

'Papers! We want papers' (Claim during the demonstration)

Many of the claims of the demonstration suspend both the distinction between migrants and non-migrants as well as that between Roma, Sinti and non-Roma. The claims to housing, work, and papers, for example, are claims to the right to the very possibility of entering society through entering exchanges with others on equal terms. The Roma make these claims both in relation to their simple presence or that of their children. 'I have been born here' or 'our children have been born' should be read not simply as a claim to *jus soli*. Rather these presences ground claims upon a sociality that derives from being embedded in social relations. Children have been going to school here, many have been living in Italy for years, or they have been working there.

The demonstration itself is such a site in which exchanges with strangers take place: 'We are with the Roma' ('Noi Siamo con I Rom') is inscribed upon the allies' banners and T-shirts. The distinction between migrants and citizens in this regard does not hold. The demonstration is an act of citizenship by the Roma who offer their existence in exchange relations as well as their struggle to create and sustain such an existence in multiple social relations and exchanges in the context of their criminalisation as grounds for the claims to human rights. Taken together the claims come down to a claim for the right to have rights through which paradoxical aspects of European citizenship are politicised in terms that request the transformation of European citizenship.

Coming out of the camps by claiming the right to have the right to social mobility is particularly important in relation to the problem of camps in Italy and the security governance of which the camps have increasingly become part. In engaging critically in the development, dismantling and redevelopment of camps, however, the demonstration also does something more. Specifically, it plays out the paradoxes of mobility that are effaced by the discussion of free movement and citizenship in Europe.

What does it mean to enter into exchanges, both economic and social? The very possibility of being in a different community is dependent upon the possibility of entering into exchanges with others as 'strangers'. It means that a particular form of sociality is created through the mobility of the Roma – both as a form of physical mobility across spaces and as a form of social mobility that challenges existing hierarchies of inclusion/exclusion.

'We work for a living, but in a couple of hours, everything we had created, the relationship we had built with locals over decades, was wiped out,' said Alessandro, 36.¹³

Bringing this to the fore is important, because the dominant way in which the Roma are imagined or represented tends to efface the exchanges that they enter into as part of social life.

In many of the discussions of citizenship and mobility in Europe, mobility itself is never a problem – what is problematic is its incomplete application, the exclusion of third country nationals from freedom of movement or the reluctance of member states to implement EU legislation. Thus, mobility as the equivalent of freedom of movement is assumed to be the desirable outcome, while any restrictions and impositions upon it are undesirable. Yet, the demonstration in Rome rendered visible how mobility can be problematic in itself – too much mobility can be as socially and politically disempowering, as can too little mobility. The demonstration is a particular event in an ongoing, dissonant political rhythm of Roma politics and European citizenship that brings into sharp relief the tensions and paradoxes that are inscribed within both the free movement regime and the emphasis on minority rights to tackle discriminations. In opening up these paradoxes the Rome demonstration might be interpreted as constituting a new political subject which potentially transforms minority rights and free movement into claims for mobility as a form of sociality that exists through participation in abstracted exchange relations between strangers.

Creating political rhythms

The demonstration was celebrated by some as a unique event in which the Roma came out of the camps to claim recognition and rights by mobilizing significant numbers and bringing together many activist organizations: 'The main thing was to say 'No' to these racial laws as well as to give visibility to the Roma community... The demo was a great success with enormous mobilisation and new visibility for us all' (Spinelli, 2009). Simultaneously, however, others question the significance of the demonstration precisely because it was unique. 'It was quite difficult and unfortunately I don't think we manage to challenge the general assumptions about the Roma because it was a one-off event.' (Sigona, 2009) The latter caution points to the need for political action to be sustained over time. Political subjects need to continue mobilising in order to exist as collective agency. From this perspective, the enactment of a new political subject requires on-going work. It implies a lengthy process of social organization and mobilization, far removed from the romantic idea of a spontaneous emergence of political subjects and outbursts.

This perspective often goes hand in hand with the assumption that mobilizing large numbers is important to the success of a political action. The struggle over the representation of exact numbers of participants in demonstrations and over what number of participants gives the demonstration representative value are one aspect of this: 'we need coalitions in order to do this. In a democracy, big numbers are important' (Spinelli, 2009). However, the importance of large numbers of participants is not simply a matter of representation. Large numbers change the group dynamics

¹³Newspaper Article appeared in the Observer, 15 June 2008, 'We won't be Berlusconi's scapegoats, say Gypsies: Tom Kington in Rome meets families evicted by the city's new right-wing mayor at their isolated camp and hears them demand 'a few rights' available at: <http://www.guardian.co.uk/world/2008/jun/15/italy.race> (last accessed 01/07/10)

in the sense that they create collective energy that makes sustaining the mobilization over time more likely. While small groups rely on personal and cohesive relations, large groups no longer result from direct relations among members (Wolff, 1950). They are super-individual, characterised by abstraction and new forms of organisation. Coming together in numbers is important to ensure continuity as small groups can dissipate quite quickly and run out of energy, while larger groups can sustain themselves through mobilising their latent power. As Simmel noted: “Small and centripetally organized groups usually call out and employ to their full extent the energies available within them; in greater groups, on the other hand, much more energy, not merely absolutely but also relatively, remains in a latent state” (Simmel 1902).

The demonstration of 8 June 2008 was in the latter sense quite big. Estimates vary from 2000 to 20000 participants. Even working with the smallest estimate, 2000 participants is a significant number of people, especially since it included Roma and Sinti from various backgrounds and countries supporting rights claims for all Roma and Sinti. The critical question of continuity is thus how these energies of big numbers have been drawn upon later on to generate further support for claims made during the demonstration.

While the question of numbers is important,¹⁴ the demonstration is also politically significant in terms of the temporality of Roma politics. More specifically, as a fleeting *moment* - a unique event – we want to consider how the demonstration gains political significance as an act that reverberates with political rhythms of which it is already part. As specific configurations of singular and collective subjects, rhythms are neither linear nor aleatory (Michon, 2007). Rhythms introduce ideas of tempo and duration in the temporality of politics, often imagined as a succession of discrete moment in which one effaces or builds upon another. Yet we want to draw attention here to the way in which the demonstration of 8 June 2008 enacts a different temporality to that which is driven through the legal system. While law is primarily based upon the succession of repetitive events and linear temporality, the dominant temporality of the demonstration is that of duration within a rhythm of Roma politics. Law and demonstration in this regard might be interpreted as relating to two different understandings of political rhythm: one that emphasises order and another that points to more disorderly durations that disrupt the ordered periodicity of a mechanical clock (You, 1994).

Given its ordered rhythm, law appears to offer recourse against the uncertainties of the Roma situation. However, law also has its limits. Law publicly represents social conflicts while distancing itself from them and offering an ‘impartial’ and reasoned solution to social problems. Its formalism can allow for many practical inequalities to perpetuate. Moreover, the recourse to law can be limited by exceptional decisions in situations of emergency or crisis. In this regard, law appears as less ordered, as activists themselves recognise. On the one hand, law has its own exceptional moment – such as the ‘security package’ in Italy or the demolition of the camps. On the other, moments of European and national law can become disconnected. Indeed, many activists question the efficiency of European laws at the national scale:

¹⁴ We have unpacked the significance of mobilizing numbers in another paper: [Rutvica Andrijasevic, Claudia Aradau, Jef Huysmans, Vicki Squire \(2010\), ‘Unexpected Citizens? Sex work, mobility, Europe’, available from http://www.enacting-citizenship.eu/index.php/sections/deliverables_item/398/](http://www.enacting-citizenship.eu/index.php/sections/deliverables_item/398/) (last accessed 01/07/10).

Europe cares about human rights and integration and that's why we like to work with European institutions. However, Europe has not set up efficient tools. Their resolutions, in particular, are rather weak verbal admonitions which nations do not always abide by. European directives can be also easily avoided. (Malini, 2009)

When at a local level there is no opposition, then these [European] recommendations remain as just words. These people co-opt the discourses concerning the integration of Roma for their own objectives. Without debate or cross examination, these people use the language of integration, often making use of expressions and ideas coming from the European Union, only to do exactly the opposite. It all becomes empty rhetoric, a surface (Pagani, 2009).

Even if European laws are constituted as beneficial orderly interventions, they are not translated in an orderly fashion at the national and local level.

While a legal temporality might be understood in terms of an orderly rhythm that retains elements of dissonance, the temporality of the demonstration entails ambiguities of a different kind. The rhythm of Roma mobilisation functions in a double temporality: simultaneously that of momentary interruption and that of a disrupting duration. This is distinct from the temporality of law, which often assumes the illegitimacy of conflict except as mediated through a 'neutral' third party:

In general I do not find public protests and demonstrations very useful because they exacerbate contrasts and divisions between two opposing sides: in this case the Roma on the one hand and the others on the other. This strategy, in a moment that is already very conflictual, does not help (Ciani, 2009).

Independent of whether or not the demonstration strengthened the collective mobilization of Roma and Sinti activists and their allies in Italy, it remains important as one of a series of events in which Roma people claim the right to have rights by articulating a demand for social and political justice that exceeds institutionalised limitations of European citizenship. Demonstrations have been organized in several sites without necessarily articulating themselves as part of one movement. They are often momentary local events. Yet, between them they obtain durability by being a multiplicity of events taking place across 'Europe' over a longer period of time. For example, in 2008 in France, Romanian and Bulgarian Roma demonstrated claiming their right to work without limitation, their right to education and to proper housing,¹⁵ Roma and Sinti demonstrated in solidarity with Italian Roma in Vienna in July 2008¹⁶ and in Madrid in August 2008¹⁷, while in 2009 Roma and Sinti demonstrated in Münster and Göttingen, Germany, against the deportation of Kosovar Roma¹⁸. In Hungary, in 2009 Roma demonstrated in Hősök protesting against segregation in education, justice and health care¹⁹, and in Ózd, were the local Roma demonstrated

¹⁵ [http://www.google.co.uk/url?sa=t&source=web&ct=res&cd=3&ved=0CBEQFjAC&url=http%3A%2F%2Fwww.romeurope.org%2Fproto%2FIMG%2FSuite%2520manifestation%2520du%252010-12-08%2520en%2520fran%25C3%25A7ais\(1\).pdf&ei=VJhDS7m_LYuM0gTPrsyRBQ&usq=AFQjCNHDILp7dfXpgxmiPPQJDU239hQ-Fg](http://www.google.co.uk/url?sa=t&source=web&ct=res&cd=3&ved=0CBEQFjAC&url=http%3A%2F%2Fwww.romeurope.org%2Fproto%2FIMG%2FSuite%2520manifestation%2520du%252010-12-08%2520en%2520fran%25C3%25A7ais(1).pdf&ei=VJhDS7m_LYuM0gTPrsyRBQ&usq=AFQjCNHDILp7dfXpgxmiPPQJDU239hQ-Fg) (last accessed 01/07/10)

¹⁶ <http://romnews.com/community/modules.php?op=modload&name=News&file=article&sid=2032> (last accessed 01/07/10)

¹⁷ <http://www.diarioinformacion.com/sociedad/2008/07/28/union-romani-anuncia-manifestacion-discriminacion-pueblo-gitano/782189.html> (last accessed 01/07/10)

¹⁸ <http://www.antifa-netzwerk.de/2008/03/20/muenster-vortrag-antiziganismus-rassismus-gegen-roma-und-sinti> (last accessed 01/07/10)

¹⁹ http://elofolyoirat.blog.hu/2009/10/09/roma_tuntetes_felhivas (last accessed 01/07/10)

in parallel to, and against the Magyar Gárda, a Hungarian neo-fascists nationalist group.²⁰ In Italy, on the other hand, between 2008 and 2009 Roma and Sinti demonstrated in smaller numbers in Florence, Naples, Milan, Ancona, Reggio Emilia and Brescia.²¹ The durability of the demonstrations is vested in their multiplicity and spread in time. The connection between them, however, does not result from a particular social or political movement organizing them. They create a political and social dynamic in a different way by each in their own way enacting the right to have rights for Roma in Europe. Taken together they create a political rhythm of Roma demonstrations and rights claims that enacts the European institutional environment in an ambivalent way. On the one hand, they refer to and move within the European institutional focus on the Roma and Sinti since the early 1990s. In that sense, the multiplicity of demonstrations becomes a European rhythm because of the relatively recent intensification of European institutional Roma and Sinti policies. On the other hand, the rhythm they create also seriously challenges European institutional framings by turning the paradoxes that the latter sustain into political tensions that cannot be mediated that easily within the existing legal and quasi-legal frameworks, as we have shown in the case of Italy.

This is an important correction of a political reading that emphasises the importance of very big numbers and the need to continue the particular group that organized and participated. Continuity and reiteration are important but they are not the only way in which an event can be politically significant. The duration of rhythm does not work only in relation to orderly reiteration but also of unexpected relations between political acts and the creation of tempos and frequencies. This correction is particularly important for Roma and Sinti groups for at least two reasons. First, many activists seem to have a preference for local demonstrations over national ones – or, find themselves in a situation necessitating a focus on the local:

In Italy, we talk about federalism. With the new decree, local authorities have greater powers in Italy; they are now small republics. I'm worried. It's not a good period. These local authorities distort and manipulate the recommendations from Europe to justify repressive action and cancel the presence of Roma and Roma Sinti. (Bezzecchi, 2009)

The only tool we have at the moment is protesting. European institutions have done nothing. They sent recommendations but not much more than that. (Spinelli, 2009)

Second, strong differences between Roma and Sinti groups as well as the policies of criminalising, closing camps followed by reopening new camps, and the ambivalent consequences of asserting political visibility make it especially difficult for the Roma to sustain a political dynamic based on a sustained 'coming out of the camps'. This does not mean that the demonstration is of no political significance. Rather, it suggests that the work of drawing out reiterations of Roma and Sinti politics needs to be undertaken by alternative means.

It is not simply that the demonstration of 8 June 2008 finds reiterations across a geographical space that can be called Europe that makes it an act of European citizenship, however. More importantly, the demonstration is of political significance in relation to debates around European citizenship because it intervenes in a politics of the Roma that has developed within and around the edges of European institutions

²⁰ http://www.boon.hu/hirek/IM:boon:news_special-borsod/cikk/magyar-garda-es-romatuntetes-egyszerre-ozdon/cn/news-20090405-11492721 (last accessed 01/07/10)

during the last two decades. Since 2002, the European Commission has published a series of reports and studies dealing primarily with Roma anti-discrimination, insertion in the work market and education.²² In addition to this, NGO's and grassroots organisations have since the late 1990's increasingly brought attention to the growing discrimination of the Roma and have lobbied for Roma rights with European Institutions, both at international, national and local level also bringing litigations in front of the ECJ (Sigona and Trehan, 2010)²³.

It is in understanding how the demonstration relates to these existing political rhythms that allows us to conceive it as an act of European citizenship. As temporal rhythms, these various moments enact paradoxes that lie at the heart of European citizenship: namely, that increasing political attention to discriminations of the Roma and increasing Roma political activity go hand in hand with increased discrimination and a deterioration of living conditions and life chances for the Roma. This paradox, needs to be understood in relation to a series of paradoxes of mobility, which tend to be effaced by the discussion of freedom of movement and citizenship in Europe: first, the excessive mobility of the Roma as supposed 'nomads' versus the immobility enforced by the camps; second, the mobility of Roma and Sinti groups both across borders and across urban, less visible, boundaries versus the forced mobility between camps entailed by continuous evictions and camp closures; and, third, the migration and citizenship status of Roma and Sinti groups versus their social (im)mobility. The 8 June demonstration in Rome intervenes in these political rhythms by temporarily crystallising and intensifying these paradoxes, while playing out the paradoxes of instituted modes of being a European citizen: both active, flexible, in movement, but also identified with the demos or an ethnic community.

Conclusion

This paper has argued that the demonstration of 8 June 2008 by the Roma, Sinti and allies in Rome needs to be understood as an 'act of European citizenship' that mobilises institutionalised paradoxes of mobility and citizenship within the EU. Specifically, we have shown how the demonstration embraces a strategy of Roma visibilisation in the performance of a momentary act of citizenship that brings into sharp relief the limits of the two cornerstones of European administrative and legalised Roma politics: minority rights and free movement rights. The political subjectivity generated during the demonstration is new in this regard because it challenges the limits of existing European instruments and approaches to Roma politics by articulating demands for social and political justice which simultaneously intervene in such political rhythms and exceed their limitations. The disruptive dimension of this claiming of a 'right to have rights' rests, we suggest, on the demand of Roma and Sinti groups to partake as equals in a form of sociality based on exchange relations. Yet the demonstration does not simply function as a unique event which momentarily creates an ambivalent site where institutionalised policies are both enacted and disrupted through an act of European citizenship. So also can it be understood as part of a more durable political rhythm which interrupts a legal and administrative order whereby Roma and Sinti groups are rendered invisible politically as minorities to be integrated and as those whose mobility must be limited.

²² European Roma Grassroot Organisation, <http://www.ergonetwork.org/ergo-network/> (last accessed 01/07/10)

²³ For a summary of specific the reactions of European Institutions and NGO's to the Italy case see Appendix 1.

Interviews*

Adzovic, Najo (2009), Spokesperson for the Roma camp 'Casilino 900'. Interview with Paola Gioia Maciotti, Rome, 23rd December 2009.

Berard, Tara (2010), Programmes Director for the European Roma Rights Centre (ERRC). Interview with Paola Gioia Maciotti, Budapest, 9th February 2010.

Bezzecchi, Giorgio (2009), Representative of 'Opera Nomadi Milan' and Romano Drom. Interview with Paola Gioia Maciotti, Milan, 22nd October 2009.

Ciani, Paolo (2009), Representative of Sant' Egidio Roma. Interview with Paola Gioia Maciotti, Rome, 24th October 2009.

Dastoli, Pier Virgilio (2009), European Commission Delegation in Italy. Interview with Paola Gioia Maciotti, Rome, 21st December 2009.

Gabrielli, Radames (2009), Activist and Representative of Nevo Drom. Interview with Paola Gioia Maciotti, Bolzano/Bozen, 18th December 2009.

Guadagnucci, Lorenzo (2009a), Journalist. Interview with Paola Gioia Maciotti, Telephone Interview, 14th December 2009.

Guarnieri, Nazareno (2009), Activist. Interview with Paola Gioia Maciotti, Pescara, 24th December 2009.

Malini, Roberto (2009), Activist and Representative of EveryOne Group. Interview with Paola Gioia Maciotti, Milan, 21st October 2009.

Masala, Andrea (2009), Representative of ARCI Roma. Interview with Paola Gioia Maciotti, Rome, 10th October 2009.

Memedov, Idaver (2010), Advocacy Officer for the European Roma Right Centre (ERRC). Interview with Paola Gioia Maciotti, Budapest, 9th February 2010.

Mohacsi, Victoria (2010), Former MEP. Interview with Paola Gioia Maciotti, Budapest, 8th February 2010.

Pagani, Maurizio (2009), Representative of Opera Nomadi Milan. Interview with Paola Gioia Maciotti, Milan, 22nd October 2009.

Picciau, Dario (2009), Activist and Representative of the EveryOne Group. Interview with Paola Gioia Maciotti, Milan, 21st October 2009.

Sigona, Nando (2009), Activist, Researcher and Academic, Representative of OsservAzione. Interview with Paola Gioia Maciotti, 2nd December 2009.

Spinelli, Santino (2009), Organiser of the demonstration and president of 'Them Romano'. Interview with Paola Gioia Maciotti, Lanciano, 19th December 2009.

Vasey, Victoria (2010), Lawyer for the European Roma Right Centre (ERRC). Interview with Paola Gioia Maciotti, Budapest, 9th February 2010.

* Most of the interviews were carried out in Italian, the rest in English. All translation into English were carried out by Sergio Rigoletto.

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Appendix 1

Summary of Reactions of European Institutions and NGO's to the Roma situation in Italy

Italy, the Roma and Freedom of Movement of EU citizens

In January 2007, Romania and Bulgaria became part of the European Union. However, only ten Member States opened their labour market to workers from these countries with no restrictions (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Poland, Slovenia, Slovakia, Finland and Sweden)²⁴. Italy was amongst the 25 countries that restricted access to the labour market, albeit lifting all restrictions for self-employment and for the following sectors: agriculture and hotel and tourism; domestic work and care services; construction; engineering; managerial and highly skilled work; and seasonal work. For all other sectors workers still had to apply for a permit²⁵. In the past two years 15 more member states have lifted all their restrictions, however Italy has not yet done so²⁶.

In November 2007, Italy saw a violent media and political campaign against Romanian Roma, triggered by the news of the murder of a 47 years old woman by a Romanian man living in an unauthorised camp in Rome. The Italian Government met extraordinarily the day after the murder and approved with urgency one part of a proposed security decree which would allow the extension of the power of expulsion for "public security reasons" to citizens belonging to the EU²⁷. The media fuelled prejudices and racism against Romanian migrants and Romanian Roma in particular, and high profile politicians from the left and right alike described migration from Romania as the main treat to public security. On 2nd November 2007, the European Union Justice Commissioner, the Italian Franco Frattini, proposed going to the camps and 'grabbing and taking back to Romania' anyone who could not prove where they lived²⁸. However, Romania had entered the EU in January 2007, and Italy's expulsion measures were soon criticised by the EU for clashing with the European Directive on Freedom of Movement of EU citizens. The first reaction from the EU came with the formal censorship of Franco Frattini's declaration voted by the European Parliament on 16th November 2007. The censorship stated that the 'recent affirmations' on the application of the EU Free Movement directive, the 2004/38 'are contrary to the spirit and the text of the directive, which we demand he respects fully'²⁹. A whole resolution was also approved which 'reaffirmed Freedom of Movement as "one of the fundamental principles of the EU", and reminded that it is not possible to expel "for

²⁴ <http://ec.europa.eu/social/main.jsp?catId=508&langId=en> (last accessed 01/07/10)

²⁵ <http://ec.europa.eu/eures/main.jsp?acro=free□=en&countryId=IT&fromCountryId=RO&accesing=0&content=1&restrictions=1&step=2> (last accessed 01/07/10)

²⁶ *ibid.*

²⁷ Lorenzo Guadagnucci (2009), Lavavetri, Milano, Terre di mezzo Editore, p.4

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http://www.tesseramento.it/immigrazione/pagine52298/newsattach1101_il%20Manifesto%2016-11-2007%20a.pdf (last accessed 01/07/10)

²⁹ *ibid.*

economic purposes” and the procedures “have to be based exclusively on the personal behaviour of the individual”, not based on “general prevention”³⁰.

After being reaffirmed in the Resolution and in the censorship, the 2004/38/EC Directive on Freedom of Movement was called upon by European institutions and MEP's in a number of other occasions in order to criticise racist attacks in Italy or oppose Italian laws which were affecting Roma who were EU citizens. In the aftermath of a second violent political and media campaign against 'Nomads' which led to violent attacks against Roma camps in Ponticelli, Naples, the European Parliament condemned the violence in Italy at a hearing in Strasbourg on 20th May 2008. In that instance, commenting on Berlusconi's planned new security package, which would see any convicted immigrant who is sentenced to two or more years in prison automatically expelled from Italy, EU Social Affairs Commissioner Vladimir Spidla stressed that ‘The Roma enjoy the same freedom of movement as other citizens of the (European) Union,’ and the EU Commission ‘will ensure that their rights are respected’³¹.

In April 2008, Berlusconi won the primary elections in Italy, and in May 2008, soon after its formation, the Government passed a Decree declaring the ‘Nomads State of Emergency’ in the regions of Roma, Lazio and Campania, granting to the Prefects of Rome, Milan and Naples extraordinary powers to carry out ‘the monitoring of formal and informal camps, identification and census of the people, including minors, who are present there, the expulsion and removal of persons with irregular status, and measures aimed at clearing “camps for nomads” and evicting their inhabitants’³². In opposition to these measures, on 10th July 2008 The European Parliament issued a Resolution that urges Italy to refrain from the census and to respect the right of Freedom of Movement of all EU citizens³³. On July 18th 2008, Viktoria Mohacsi and Marco Cappato, two ALDE MEP's, visited Italy and met with the European Commission Official Jochen Ott and a number of Italian NGO's to talk about the Italian situation. In that occasion, Viktoria Mohacsi recalled her and the EP activities on the issue, including the Freedom of Movement Resolution, and criticised Italy for deciding to proceed with its measures despite the criticisms of European bodies³⁴.

Ironically, Berlusconi's security package on migration, in its first proposal, contained a law aimed at limiting immigration from new EU member countries, hidden under the title ‘Free Movement of EU citizens’.³⁵ The proposed law maintained that EU citizens could only reside freely in Italy for three months, after which, they would have 10 days to prove financial security, the possession of a health insurance and that they lived an accommodation in line with hygienic requirement. If they did not get on a

³⁰ Ibid.

³¹ <http://www.eubusiness.com/news-eu/1211306526.51/> (last accessed 01/07/10)

³² Daria Storia ITALY REPORT “EU Values: The Roma Migration Challenge”, p.15

³³ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0361+0+DOC+XML+V0//EN> (last accessed 01/07/10)

³⁴ www.statewatch.org/news/2008/jul/italy-roma-meps-report.pdf
www.statewatch.org/news/2008/jul/italy-roma-meps-report.pdf
www.statewatch.org/news/2008/jul/italy-roma-meps-report.pdf
www.statewatch.org/news/2008/jul/italy-roma-meps-report.pdf (last accessed 01/07/10)

³⁵ Lorenzo Guadagnucci (2009), Lavavetri, Milano, Terre di mezzo Editore, p.114

register within 10 days, they would be removed on 'public security' grounds³⁶. This measure would obviously affect particularly that part of the population living in caravans or in nomad camps (Roma and Sinti by vast majority, if not exclusively).

On 28th July 2008, Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, referred to the Italian Government's transposition of the 2004/38/EC Directive pointing out that 'certain provisions of the new Italian legislation under preparation, such as those concerning the 'public security' grounds for expulsion of EU citizens, may well raise serious questions of compatibility with the Convention'³⁷.

On 16th October 2008, Italian Interior Minister Roberto Maroni revealed that the European Commission had opposed the measure, because it saw 'expulsion as excessive and an invite to go away as sufficient', and, even if not in agreement, he would set the measure aside in order not to get sanctioned³⁸. Already on 23rd September EU Justice Commissioner Jacques Barrot had warned that the controversial piece of law 'poses problems of compatibility with community law' and if it was not changed shortly the Commission 'would launch infringement proceedings as provided for by the [EU] treaty'³⁹. The EU 2004/38/EC Directive itself requires any European citizen to prove one's income and to have a medical insurance to reside in another EU country for longer than three months 'in order not to become a burden on the social assistance system of the host Member State'⁴⁰; however, removals of Union citizens can only happen on grounds of public policy, public security or public health⁴¹ (hence the attempted move to classify a failed registration as reason of 'public security').

In June 2008, the EP rapporteur on the implementation of the Directive EC38/2004 on free movement of citizens and families, Romanian MEP Adina Valean, had also expressed her concern that 'the crises we are currently facing in parts of Europe come from a too wide interpretation of the Directive of Free Movement'⁴². In March 2009, she presented a 'disappointing' Report that concluded that 'no Member State has enacted the whole directive in its national law properly'⁴³.

The oppressive measures taken by the Italian Government and the ongoing racist attacks against the Roma were also condemned by a number of international human

³⁶ Lorenzo Guadagnucci (2009), Lavavetri, Milano, Terre di mezzo Editore, p.115

³⁷ <https://wcd.coe.int/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> (last accessed 01/07/10)

³⁸ <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2008/10/16/maroni-ci-ripensa-solo-multe-ai-clandestini.html> (last accessed 01/07/10)

³⁹ <http://euobserver.com/9/26797> (last accessed 01/07/10)

⁴⁰ http://ec.europa.eu/justice_home/fsj/citizenship/movement/fsj_citizenship_movement_en.htm

⁴¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0534+0+DOC+XML+V0//EN> (last accessed 01/07/10)

⁴² http://www.alde.eu/en/details/news/roma-situation-meps-call-on-italy-for-answers-and-respect-for-the-free-movement-directive-2/?no_cache=1 (last accessed 01/07/10)

⁴³ http://www.europarl.europa.eu/news/expert/infopress_page/016-51924-075-03-12-902-20090316IPR51923-16-03-2009-2009-false/default_en.htm (last accessed 01/07/10)

rights and Roma organisations and NGO's, who reacted by means of press releases, letters of protest, reports and legal cases. Whereas the EU Directive on Freedom of Movement was the legal instrument most often utilised by European institutions or their spokespersons opposing Italy, it was mentioned with less frequency by NGO's and organisations. Extensive on-line research showed that the compliance of Italy with the 2004/38/EC Directive was questioned and criticised in three instances: In the *Security A La Italiana* Report on Fingerprinting, Extreme Violence and Harassment of Roma in Italy by the European Roma Right Centre (ERRC) and the Open Society Institute Justice Initiative (OSJI)⁴⁴; in the letter to Silvio Berlusconi dated 10th July 2008 by The European Roma and Travellers Forum (ERTF)⁴⁵; and finally, in the written comments for the United Nations Committee on the Elimination of Racial Discrimination at its 72nd session by the European Roma Right Centre (ERRC), the Centre on Housing Rights and Evictions (COHRE), OsservAzione and Sucar Drom.⁴⁶ In the Report, Europe is asked to ensure Italy's compliance with the Directive; in the Letter, Silvio Berlusconi is reminded of Italy's signature to the Directive, and in the Comments, Italy's transposition of the Directive in its proposed law is questioned in relation to equal treatment of Roma EU citizens and other EU citizens.

In sum, on the basis of the Directive on Freedom of Movement, European Institutions have censored an Italian EU Commissioner, and blocked the approval of the law concerning the failed registration of EU citizens after three months. The directive has been called upon in a number of other occasions, pointing out how Italy risked not to or did not comply with it.

In the end, mass expulsions did not happen, and according to an OSCE funded report by OsservAzione 'Up to 27 December 2007, the Italian decree had led to 510 removals of EU citizens, of which 181 were for 'imperative reasons of public security'⁴⁷. Information on expulsions since then is contradictory, Human Right group Everyone speaks of tens of thousands⁴⁸, while others claim expulsions were very few.⁴⁹

Roma in Italy: the use of Human Rights and Anti-Discrimination Laws

Since 2007, the compliance with human rights of Roma in Italy has been questioned by both EU Institutions and Roma and non-Roma international Human Right organisations and NGO's. In May 2008, The Organisation for Security and Cooperation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR) called on the Italian authorities 'to ensure the protection of the Roma

⁴⁴ <http://roma.wieni.be/files/news/files/Italy%20Report%20July%202008%20FINAL.pdf> (last accessed 01/07/10)

⁴⁵ www.bashe-rwww.bashe-roma.de/.../fingerprinting%20in%20Roma%20living%20camps.pdf

⁴⁶ <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/errccohreitaly72.pdf> (last accessed 01/07/10)

⁴⁷ Nando Sigona et al. (2008) *The Latest Public Enemy, Romanian Roma in Italy*, p.57

⁴⁸ Roberto Malini, Representative of Everyone Group, Interview with Paola Gioia Maciotti, Milan, 21st October 2009.

⁴⁹ Paolo Ciani, Representative of Sant' Egidio, Interview with Paola Gioia Maciotti, Rome, 24th October 2001.

population and urged politicians and the media to refrain from anti-Roma rhetoric⁵⁰. In a later report on Italy, OSCE expressed doubts about the compliance of 'the practice of forced evictions without proper procedural safeguards and prior notification with international human rights standards, such as the right to housing'⁵¹. On 20th June 2008, the European Commission against Racism and Intolerance released a statement which declared the measures taken by the Italian Government 'whose conformity with national and international human rights standards is questionable'⁵².

The fingerprinting of Roma was the measure that sparked the most international reactions in defence of the human rights of the Roma and of non-discrimination laws, being feared and alleged as census on the basis of ethnicity. The European Parliament resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy is the first major example. The Resolution opposed the measure calling upon the principles of human rights and fundamental freedoms, the principles of equality and non discrimination, the ECHR, the UN Convention on the Rights of Child, and the European Union Treaty. The Resolution refers to the Council Directive 2000/43/EC of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and to the Articles of the EU Treaty containing measures against discrimination inter alia for reasons of race and ethnicity, and because of nationality. As regards non-discrimination, and measures against racism and xenophobia, the Resolution also refers to legal instruments that concern specifically anti-Roma discrimination, i.e. the 28th April 2005 Resolution on the situation of the Roma in the European Union, the 1st June 2006 Resolution on the situation of Roma women in the European Union, or the 31st January 2008 Resolution on a European Strategy on the Roma. The Resolution notes that the Roma are 'one of the main target of discrimination and racism' in Europe, and condemns the Italian identification measures as 'a violation of the prohibition on direct and indirect discrimination' (Paragraph 4), and states that measures that lead to further exclusion will never be apt to combat crime (Paragraph 5)⁵³.

The subsequent impact of the Resolution, however, is unclear: according to the Hungarian-Roma MEP Liva Jaroka, the Resolution was untimely as the Italian Government had already stopped collecting data in that way on 3rd July 2008. The MEP also believed that the measures were aimed at estimating the number of Roma in Italy, that Muslims were also targeted and noted how fingerprint databases were "not a novelty" in Italy or in Europe.⁵⁴ In the end, a census in the camps did take place, although it is unclear if and how many fingerprints were taken in the three provinces of Rome, Milan and Naples. In October 2008, the census undertaken in these three areas revealed the presence of 12,346 people, of which 5,436 were children. The Minister of the Interiors Maroni, in that occasion claimed that as many

⁵⁰ <http://www.osce.org/item/31147.html> (last accessed 01/07/10)

⁵¹ http://www.osce.org/documents/odihr/2009/03/36620_en.pdf, p.9. (last accessed 01/07/10)

⁵² http://www.coe.int/t/dghl/monitoring/ecri/library/PressReleases/53-20_06_2008_en.asp (last accessed 01/07/10)

⁵³ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0361+0+DOC+XML+V0//EN>

⁵⁴ <http://www.euractiv.com/en/socialeurope/roma-mep-italy-fingerprinting-seen-wider-context/article-174700>

Roma had left the camps before the census since that June, without specifying why, but probably hinting at the census as succeeding in scaring Roma off⁵⁵.

On 28th July 2008, the Council of Europe High Commissioner for Human Rights Thomas Hammarberg issued a Memorandum following his visit to Italy. In the Memorandum the Commissioner expresses great concern on the human rights conditions of Roma and Sinti in Italy, especially on their living conditions in the camps and on forced evictions, and on the fact that the 'security package' contains measures that target specifically Roma EU migrants. The Commissioner urges examination of the transposition of the 2000/43/EC Directive on racial and ethnic equality and reminds of the European Committee of Social rights decision in the *ERRC vs. Italy* case in 2005 (Par.36, in 2005 Italy was found not complying with the European Social Charter in matters of living standards in Roma camps). Moreover, he urges the authorities to pay attention to the effective abidance of Protocol 4 of Article 4 of the ECHR, which proscribes the collective expulsion of aliens (Par. 52); and of Article 34, which prescribes the stay of an alien's forced removal while the individual case get examined (Par. 54)⁵⁶.

On 15th January 2008, Hammarberg will issue a report on Italy, in which he welcomes Italy's commitment to pay attention to the recommendations of the memorandum, but regrets the continuation of an intolerant climate towards Roma and Sinti and the persistence of unacceptable living standards. Again, the Commissioner expresses concern over the census operation and the declared 'state of emergency'⁵⁷.

International NGO's and Roma organisations have turned extensively to human rights and anti-discrimination laws in order to raise awareness and oppose the Italian Government and its anti-Roma measures by means of press releases, letters and appeals to international and European institutions and courts. Again, forced evictions and the fingerprinting of Roma were the main reasons for accusation of human rights violation and discrimination. Within fundamental human rights, arguments against racial discrimination were the most frequently used by the main international NGO's and organisation that acted for the Roma.

The European Network Against Racism (ENAR)⁵⁸, Romani Criss⁵⁹, the ERTF⁶⁰, and Italian based Everyone Group⁶¹ were amongst the many organisations that sent out

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http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/speciali/censimento_nomadi/ see also: Sigona, Nando & Trehan, Nidhi (2009), *Romani Politics in Contemporary Europe*, London: Palgrave Macmillan (p. 275)

⁵⁶ <https://wcd.coe.int/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> (last accessed 01/07/10)

⁵⁷ <https://wcd.coe.int/ViewDoc.jsp?id=1428427> (last accessed 01/07/10)

⁵⁸ <http://cms.horus.be/files/99935/MediaArchive/pdfpress/2008-05-19%20anti-Roma%20events%20Italy.pdf> (last accessed 01/07/10)

⁵⁹ http://www.google.co.uk/url?sa=t&source=web&ct=res&cd=1&ved=0CAkQFjAA&url=http%3A%2F%2Fwww.osce.org%2Fitem%2F33774.html&ei=0RgpS-yvJN3ajQfuzcmbDQ&usq=AFQjCNHwtlq_LyZHOm86pISiQ0InP0TGIQ (last accessed 01/07/10)

⁶⁰ www.bashe-roma.de/.../fingerprinting%20in%20Roma%20living%20camps.pdf (last accessed 01/07/10)

press releases claiming that the anti-Roma pogroms, and the invasive identification measures were breaching international human rights and fundamental freedoms, i.e. the right to equal treatment and non-discrimination on the basis of race, nationality or ethnic origin.

Internet searches have so far indicated that at European level, the European Roma Right Centre has been one major advocate of human rights for the Roma in Italy. On May 4th 2008, the ERRC, together with the OSI and Osservazione, published a Memorandum to the European Commission on violations of EC law and the fundamental rights of Roma and Sinti by the Italian government in the implementation of the census in “nomad camps”. In the Memorandum, the implementation of the Nomad emergency decree was found in violation of Article 8 of the ECHR (the right to private family life), of the 2000/43/EC Directive on racial and ethnic equality, of Article 14 (non-discrimination) and 3 (prohibition of torture or inhumane treatment) of ECHR⁶². On May 16th 2008, in the aftermath of the racist attacks against Roma camps in Naples and Milan, the ERRC released a letter to Napolitano, Berlusconi, and Maroni, in which it urged Italy to end the human rights emergency. In this occasion, the ERRC reminded the Italian Ministers of ECHR case law (judgments that found EU countries guilty of human rights abuse against Roma).⁶³ The ERRC, together in collaboration with OssevAzione, the Centre on Housing Rights and Evictions (COHRE), and a number of other organisations also produced two more memoranda to the to the UN Committee for Elimination of Racial Discrimination (CERD), alleging together with other accusations, Italy’s failed compliance with the Convention on the Elimination of Racial Discrimination (ICERD)⁶⁴. The Report ‘Security a la Italiana’ (also a collaboration of numerous NGO’s) presented a detailed account of the situation of the fingerprinting and violence against Roma and called upon the European Union, the Council of Europe, FRA, OSCE and UNCERD to investigate, end and prevent escalation of discrimination of Roma in Italy. Again, the legal conclusions are that Italy’s measures clearly discriminate against the Roma in a number of ways, from forced eviction, to abuse and violation of the right to privacy. The report explicitly calls the EU and the FRA to investigate Italy’s compliance with Directives against racial Discrimination and privacy⁶⁵. Finally, in September 2008, ERRC et al. also wrote to Jaques Barrot, explicitly asking for clarifications on the media reports that the Commission was ‘satisfied that in conducting a census of

⁶¹ http://www.everyonegroup.com/Everyone/MainPage/Entries/2008/6/29_Europe_must_put_a_stop_to_the_fingerprinting_of_Roma_citizens.html (last accessed 01/07/10)

⁶² <http://www.errc.org/db/03/D5/m000003D5.pdf> (last accessed 01/07/10)

⁶³ <http://www.errc.org/db/03/03/m00000303.pdf> (last accessed 01/07/10)

⁶⁴ Written comments of the European Roma Rights Centre (ERRC), the Centre on Housing Rights and Evictions (COHRE), OsservAzione and Sucar Drom concerning Italy for consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 72nd session (2008)

<http://www2.ohchr.org/english/bodies/cerd/docs/ngos/errccohreitaly72.pdf> (last accessed 01/07/10)

and Memorandum to UN CERD (Committee for Elimination of Racial Discrimination): request for expedited engagement of follow-up procedure and/or urgent action/early warning procedure

concerning Italy ICERD compliance, 2nd July 2008

<http://www.errc.org/db/03/1D/m0000031D.pdf> (last accessed 01/07/10)

⁶⁵ <http://roma.wieni.be/files/news/files/Italy%20Report%20July%202008%20FINAL.pdf> (last accessed 01/07/10)

Roma gypsies in camps as part of its crackdown on street crime since coming to power in May, the Berlusconi Government was not seeking 'data based on ethnic origin or religion'⁶⁶. The Letter expressed concern that such position of the Commission could reinforce prejudice against Roma, and urged it to 'take the necessary legal steps to enforce compliance of the Italian state with non-discrimination standards contained in EU law'⁶⁷. Internet searches have not revealed the response of the Commission.

Litigations

The ERRC also took legal action against Italy in more than one occasion. Since May 21st 2008 it appealed three times against the legitimacy of the Emergency Decree in the Lazio area, the first time finding in the discrimination of Roma the only intention of the decree, the second arguing that forced identification measures such as fingerprinting were discriminating against Roma, and the last time alleging again the infringement of a series of human rights. The first two appeals were rejected, while the last one was initially partially endorsed: namely measures enforcing signatures on a register for anyone entering or leaving a camp, measures requiring camp inhabitants to subscribe to internal rules on behalf of their families, and the mandate for each member of each family to hold an ID with photo identification and information in the camp, and obligatory job training⁶⁸. However, on 25th August 2009, the Council of State decided the precautionary suspension of the annulment of the state of emergency in Lazio⁶⁹. Since then, in May 2009, the state of emergency has been extended to the regions of Piemonte and Veneto and protracted until May 2010⁷⁰

The ERRC is has also taken Italy against the European Court of Justice, in a trial which is still ongoing. The arguments put forward in the litigation are:

Data Protection Directive: Processing of sensitive ethnic data. The collection and processing of sensitive information about only Roma and Sinti reveals ethnic origin in breach of Article 8(1) of the EC Data Protection Directive and without the informed consent or the medical necessity that is needed to justify such an intrusion in Article 8(2).

Fundamental rights: The census. The census was characterized by the unnecessary, intimidating, and unlawful involvement of the police and the military, in violation of the right to respect for private life and home, in breach of Article 8 ECHR.

Fundamental rights: Degrading racism. By publicly singling out the Roma and Sinti for differential treatment, the racist discrimination suffered by them is an affront to human dignity and reaches a level of severity that amounts to degrading treatment, in breach of Article 3 ECHR.

Racial discrimination: The emergency measures and the manner of their implementation amount to discrimination against the Roma population which, as a minority group, is singled out and designated as the cause of an emergency situation

⁶⁶ <http://www.errc.org/db/03/46/m00000346.pdf> (last accessed 01/07/10)

⁶⁷ *ibid.*

⁶⁸ <http://www.unisi.it/dipec/palomar/italy.html#3> (last accessed 01/07/10)

⁶⁹ http://www.asgi.it/home_asgi.php?n=documenti&id=912&l=it (last accessed 01/07/10)

⁷⁰ http://www.governo.it/Governo/ConsiglioMinistri/dettaglio.asp?d=46159&pg=1,2123,4239,6277,6291&pg_c=3 (last accessed 01/07/10)

and target of emergency state action, in breach of Article 2 and Article 3(1)(h) of the EC Racial Equality Directive, as well as Article 8 ECHR with Article 14 ECHR⁷¹.

On 29th May 2009, The Centre on Housing Rights and Evictions (COHRE) also filed a Complaint against Italy with the European Committee of Social Rights, supported by OsservAzione. Italy was accused of violating the right of housing because of the forced evictions and the conditions of the camps (Article 31), to fail to protect families (Article 16) and migrant workers (Article 19) and to protect against poverty. All of the above in conjunction with Article E, which provides that the Article of the charter 'shall be secured without discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status'. Finally, COHRE also reminds of Italy's failure to address the finding of the 2004 Collective Complaints of ERRC vs Italy⁷².

The Complaint by COHRE was admitted on 8th December 2009⁷³.

Right to protection from processing of personal data

In relation to the census, the EP Resolution also questioned Italy's compliance with the European Parliament and Council Directive 95/46/EC of the of 24 October 1995 protection of individuals with regard to the processing of personal data⁷⁴. The OSCE, in its Assessment of the Human Rights Situation of Roma and Sinti in Italy, also emphasized 'that the collection and use of personal data must be in line with relevant European and other international standards'.⁷⁵ Also the ERRC objected the violation of the Directive in relation to the processing of personal data on ethnicity in its memorandum to the European Commission⁷⁶, in the Security a la Italiana Report.⁷⁷ Finally, this will also be one the arguments that ERRC will present to the ECJ in the current litigation against Italy.⁷⁸

Roma from former Yugoslavia living in Italy

According to recent figures the number of Roma in Italy is between 150,000 and 18,000, of which 100,000 are estimated to be Italian citizens⁷⁹. The rest is composed by Roma who have migrated from former Yugoslavia either in 1960's or, more recently, after the 1990's Balkan wars and by Romanian Roma⁸⁰. Upon their arrival in Italy, Roma from former Yugoslavia were accommodated in camps, being mistaken for 'nomads' and nearly ten years later they are still largely undocumented, and

⁷¹ <http://www.soros.org/initiatives/justice/litigation/italy> (last accessed 01/07/10)

⁷² http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC58CaseDoc1_en.pdf (last accessed 01/07/10)

⁷³ http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC58Admiss_en.pdf (last accessed 01/07/10)

⁷⁴ http://www.osce.org/documents/odhr/2009/03/36620_en.pdf (last accessed 01/07/10)

⁷⁵ http://www.osce.org/documents/odhr/2009/03/36620_en.pdf (p.25) (last accessed 01/07/10)

⁷⁶ <http://www.errc.org/db/03/D5/m000003D5.pdf> (par. 38) (last accessed 01/07/10)

⁷⁷ <http://roma.wieni.be/files/news/files/Italy%20Report%20July%202008%20FINAL.pdf> (p.21) (last accessed 01/07/10)

⁷⁸ <http://www.soros.org/initiatives/justice/litigation/italy> (last accessed 01/07/10)

⁷⁹ <http://www.errc.org/db/03/B8/m000003B8.pdf> (p.38) (last accessed 01/07/10)

⁸⁰ *ibid.* (p.37)

stateless⁸¹. After the backlash against Roma, in June 2008 Roma from ex Yugoslavia took part in a national demonstration together with other Roma and Sinti and Italian activists against the discriminatory measures of the Government, claiming inter alia their own and their Italy-born children's right to papers, schooling and housing.⁸² The situation of Roma from former Yugoslavia, thus of Roma who are not EU citizens in Italy has been addressed by both European Institutions and international NGO's. In its Report on human right situation of Roma in Italy of July 2008, OSCE note how for most Roma from ex Yugoslavia 'integration into Italian society is also impossible, as their lack of legal status prevents them from taking up legal employment, finding regular housing, or accessing public services. This existence in a legal void has particularly negative consequences for Roma children. Even if they were born in Italy and have no real connections to the place of origin of their parents, many of them have no identity documents other than a birth certificate'⁸³. In July 2008, the Council of Europe High Commissioner for Human Rights Thomas Hammarberg also expressed his concern about the living condition of Roma children from ex Yugoslavia living in the Casilino 900 camp in Italy, who 'lack identification documents, a situation that causes them serious problems, especially when they need to contact public authorities, including schools'⁸⁴. Hammarberg urges the authorities to pay attention to the situation on Roma from former Yugoslavia, to make sure they are 'identified in a humane and not discriminatory manner' and to 'speed up the process of ratification of the 1997 European Convention on Nationality (signed on 06/11/1997), as well as the 1961 United Nations Convention on the Reduction of Statelessness.'⁸⁵ In a later report of January 2009, Hammarberg newly expresses his concern in the matter and reports of a 'serious discussion' with the Italian Secretary of State about possible new citizenship law.⁸⁶ No mention of Yugoslavian Roma is made in the European Resolution on the census of Roma.

As regards international NGO's, the situation of Yugoslavian Roma is reported by ERRC, COHRE and OsservAzione in their Memorandum for UN CEDAR in 2008. They point out that the denial of legal status for Yugoslavian Roma in Italy implies a breach of Article 5 of ICERD, which concerns 'racial discrimination arising from arbitrary denial of status'.⁸⁷

In their Memorandum to the UN CERD of 2nd July 2008, ERRC et al. also warn about the implication that the proposed illegalisation of undocumented migrant could have for 'tens of thousands' of Roma from south East Europe, in particular from former Yugoslavia⁸⁸. The situation of Stateless Yugoslavian was also reported by the ERRC

⁸¹ Najo Adzovic, Spokesperson for the Roma Camp 'Casilino 900', Interview with Paola Gioia Macioti, Rome, 23rd December 2009.

⁸² Najo Adzovic, Spokesperson for the Roma Camp 'Casilino 900', Interview with Paola Gioia Macioti, Rome, 23rd December 2009; <http://www.youtube.com/watch?v=v6yV3j1LBT8> (video of Roma woman from ex Yugoslavia taking at the June 8th Demonstration in Rome) (last accessed 01/07/10)

⁸³ http://www.osce.org/documents/odihr/2009/03/36620_en.pdf (p.18) (last accessed 01/07/10)

⁸⁴ <https://wcd.coe.int/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> (par.37) (last accessed 01/07/10)

⁸⁵ *ibid.* (par. 53) (last accessed 01/07/10)

⁸⁶ <https://wcd.coe.int/ViewDoc.jsp?id=1428427> (par.40) (last accessed 01/07/10)

⁸⁷ <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/errccohreitaly72.pdf> (p.30) (last accessed 01/07/10)

⁸⁸ <http://www.errc.org/db/03/1D/m0000031D.pdf> (p.10) (last accessed 01/07/10)

and OsservAzione in the Report *Security a la Italiana*⁸⁹, while they reported to the European Commission how stateless Roma from former Yugoslavia had agreed to the census in the camps because of being promised regularisation, but then heard nothing about it.⁹⁰ However, no mention of them is made in the litigations of ERRC at the ECJ and in the Complaint of COHRE with the European Committee for Social Rights.

Brief Conclusions

The main reasons for opposing Italy's measures against Roma at a European level have been fundamental human rights and anti-discrimination laws. However, freedom of movement of EU citizens was called upon by European Institutions and NGO's in a number of occasions, pointing out how Italy risked not to or did not comply with it. On the basis of the Directive 2004/38, the European Commission blocked the Italian law which would make of the failed registration of EU citizens after three months a reason of public security, thus requiring expulsion. Unclear data on expulsions, the fact that mass expulsions did not happen, and the failed approval of the law on lack of registration as ground for expulsion might be the reasons why NGO's did not base their litigations on non-compliance with the 2004/38 directive, insisting rather on human rights and anti-discrimination. International NGO's and also some Italy-based groups (i.e. OsservAzione, Sugar Drom and Everyone) addressed their protests against Italy to EU institutions making of Europe one clear arena of lobbying and litigating for Roma rights at national or even local levels.

⁸⁹ http://www.osce.org/documents/odhr/2009/03/36620_en.pdf (p.17) (last accessed 01/07/10)

⁹⁰ <http://www.errc.org/db/03/D5/m000003D5.pdf> (p.12) (last accessed 01/07/10)