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Italy: Senate must stop controversial bill

The Italian Senate must reject a controversial draft law when it comes to the vote on Tuesday, 30 June 2009, as it will affect negatively the vulnerable people in the country, Amnesty International said today.

The draft law, the so-called “security package”, which was approved by the Chamber of Deputies on 14 May 2009, includes provisions which would heavily impinge on the rights of migrants and asylum-seekers and introduce provisions which appear to be discriminatory and likely to affect disproportionately Roma and Sinti.

“The Italian authorities are responsible for all people living on the territory of the country regardless of how they have come to be there. By enacting some of the proposals in the ‘security package’, they will deny people who live on the margins of society their basic rights. They will also violate the country’s obligations under international human rights law” said, David Diaz-Jogeix, Deputy Director of the Europe and Central Asia Programme at Amnesty International.

Amnesty International is specifically concerned about the draft provisions:

- criminalizing irregular migration ;
- denying rights to vulnerable people based on residence and registration status;
- establishing and empowering associations of citizens to patrol municipalities.

Under the possible introduction of the new crime of irregular migration, irregular migrants will be punishable with a fine of between 5,000 and 10,000 Euros. Due to the new and existing criminal provisions, civil servants and public employees (doctors, teachers and municipal employees), will be obliged to report irregular migrants to the police or face criminal charges.

Irregular migrants will be prevented from accessing school, medical (including emergency) care, protection by security forces against crime, for fear of being reported to the police. Parents who are irregular migrants may be prevented from reporting the birth of their child affecting the newborn’s right to recognition before the law.

“States have the authority and the duty to control migration, but they must not do it at the expense of the human rights, including the right to health, education and registration at birth of irregular migrants,” David Diaz-Jogeix said.

According to the draft provision on residence and registration, all homeless people and those living in run-down housing or mobile homes will be removed from local residents’ registries. Registration in a

municipality is a precondition for obtaining access to health care, social assistance, education and public housing, in the place where individuals live. As it is irregular migrants who live predominantly in run-down homes and Roma and Sinti people who live in mobile homes, implementation of the law may lead to indirect discrimination.

Finally, the provision allowing private citizens' groups to be used by local authorities in patrolling the streets and monitoring situations of what the legislation calls "damage to urban security" and "social malaise" may result in discrimination and vigilantism. It is unclear what powers these patrols would have; what training (if any) is required to participate in them; under whose authority they will operate and what measures will be adopted to ensure accountability for violations of human rights law.

In the last few years, Amnesty International and other organizations have documented attacks by self-organized groups against Roma and foreigners in several parts of Italy.

"The potential 'legitimization' of private citizens' groups may lead to higher or more covert level of harassment and abuses, which may even constitute crimes," David Diaz-Jorgeix said.

"The authorities will be ultimately responsible for inciting discrimination and hostility against minority groups, including Roma, Sinti and migrants."

Amnesty International is calling on the Italian Parliament not to pass any law that could lead to discrimination and could violate the country's obligation to respect, protect and fulfil internationally sanctioned rights.