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Freedom of Expression or Prohibition of Racial Discrimination? Stigmatisation of Roma in the Media and in Political Speech in Italy

I. Introduction

The Roma¹ minority is the most marginalized in Italy. The living conditions of Roma are below acceptable standards. With little consideration for how they view themselves, Roma are labelled as nomads and are not recognized as a national minority subject to special rights guaranteeing, among others, specific protection from discrimination. This label allows the cultural legitimation of their exclusion to the point that, regardless of whether they wish to live nomadically or settle into a location and be sedentary, they are forced to live in camps outside cities in unsanitary conditions and with little or no access to education, employment or health care.

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¹ Throughout this article, I use the word ‘Roma’ to refer generically to all Roma groups – whether Roma, Sinti, Travelers and so on – that commonly fall under the umbrella of Romany people. Officially, Italy refers to Roma as ‘Roma, Sinti e Camminanti’ (Roma, Sinti and Travellers), as it appears from the text of the document of the National Strategy for Roma Inclusion. See Presidenza del Consiglio dei Ministri, Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull’origine etnica, Strategia Nazionale d’Inclusione dei Rom, dei Sinti e dei Camminanti, Attuazione Comunicazione Commissione Europea n. 173/2011, 28 Febbraio 2012. The words ‘gypsy’ or ‘nomad’ (mistakenly but commonly used in Italy to refer to the Roma) will only be used if they are also used in the articles, books and documents to which I am referring or which I am quoting.
Roma are the target of racial profiling by public authorities and police forces. The media contribute to the perpetuation of negative stereotypes. News of Roma who have been caught kidnapping children or who have allegedly committed crimes is given great emphasis. Research shows, however, that for almost any case in which a Roma has been accused of kidnapping a child, it has been easily proven that this did not actually happen. Nevertheless, even when the police point out that the alleged crime was not committed, the media hardly report this news, especially when compared with how much space is given to the news of the alleged crime. People remain thus convinced that Roma kidnap children, and this perception is often used to foment hatred and violence. For example, following the news that a young Roma had allegedly attempted to kidnap a child in Ponticelli (Naples), on 13 May 2008, people living in the area set the nearby Roma encampment on fire and Roma families were forced to escape.

These legal and sociological issues prompted the consideration the legal framework for the recognition of Roma as a minority in Italy in light of international standards, and in view of new law proposals and policies which stress the need to better protect the Roma against discriminatory statements, as well as the consideration of the necessity of placing limitations on freedom of expression, and especially on statements which can cause harm to persons or groups.

As it will be seen, despite the fact that Italy has ratified most international human rights instruments, and despite the adoption of the National Strategy for Roma Inclusion in 2012, which followed Communication 173 of the European

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2 For more details, see Sabrina Tosi Cambini, *La Zingara Rapitrice* (CISU, Milan, 2008). In her study, Cambini analyses trials and sentences of alleged attempts of kidnapping by Roma women between 1986 and 2007. Without going into the details of an issue which are beyond the scope of this article, it is interesting to see the reconstruction of how the stereotype images of the Roma appear in the various circumstances of the alleged kidnappings, which all have some common elements: they all involve an ‘Italian woman’ who has a strong link with the child (either the mother or a relative) and of a woman of Roma origins; in all cases, the mother manages to save her child from the kidnapping and the location of the alleged kidnapping is a crowded place (such as a market) but no viable witnesses are available besides those directly involved. Cambini also analyses 11 cases of missing children, some of which have received great attention by the national media, and reviews how the stigma which sees the Roma as ‘children kidnappers’ has led the police forces to concentrate their investigations on the Roma, despite later being proved that the children have fallen prey to organized crime, pedophiles and at times relatives.

3 Italy has ratified, among others, the International Covenant of Civil and Political Rights (ICCPR) the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), the European Convention on Human Rights and Fundamental Freedoms (ECHR) and its first Protocol, the European Social Charter, the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages.