

## The Institutionalisation of Racism and Xenophobia in Italy

The Italian Government has recently adopted a number of security-oriented measures, referred to as the ‘security package’, which severely harm the rights of immigrants and lead to the worrying legitimisation of xenophobia and racism.

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In April 2009, Thomas Hammarberg, the Commissioner for Human Rights of the Council of Europe, published a report (Hammarberg, 2009), written after his visit to Italy from 13 to 15 January. This report denounces the alarming tendency towards racism and xenophobia in Italy. It expresses true concern about immigration and security measures (described in the report as ‘draconian’), as well as about the census operation being conducted on the Roma population, because it involves the fingerprinting of even under-age children. Hammarberg suggests that the Italian authorities should:

*...ensure a prompt reaction and condemn strongly and publicly all statements, irrespective of their origin, that generalize and, as a consequence, stigmatize certain ethnic or social groups, such as migrants and Roma or Sinti. They should also see to it that their own legislative or administrative initiatives cannot be construed as facilitating or encouraging the objectionable stigmatization of the above groups.*

He also solicited the reintroduction of stricter rules in order to fight racist acts and violence through the revision of Law no. 85/2006 (which halved the punishment for the instigation of racial hatred); the institution of a National Agency for Human Rights; and the strengthening of the autonomy and effectiveness of UNAR (Ufficio Nazionale Antidiscriminazioni, ‘Razziali’).

Commissioner Hammarberg is not the only one to speak out about the Italian situation: Over the last two years, the measures adopted by the Italian Government on migration, ‘security’, and asylum, Italy’s ‘collective refusal’ of migrants arriving at its southern coasts, as well as measures that violate Roma and Sinti’s rights, have attracted international attention and generated public debate. The synergies between initiatives that institutionalise discrimination and the information campaign promoted by some national media, with the over-reporting of crime news involving citizens of foreign origin, have led to an increase in racist acts, including violence, perpetrated in all aspects of social life in Italy. In fact, Italy has culturally, politically and institutionally legitimised xenophobia and racism. The rhetoric of fear, used irresponsibly by politicians and institutional

figures, is gaining consensus among the public, feeding a dangerous intolerance that all too often turns into racist acts and violence. The immigration and security measures adopted by the Government have played a central role in this context.

The cultural legitimisation of discrimination started in the mid-1990s when Lega Nord – an autonomist and xenophobic political movement born in the North of Italy at the beginning of the nineties – leveraged the social and economic hardship experienced by some North Italian areas, due to globalisation and competition with emerging markets, for political gain. The rise in migratory flows gave the party an opportunity to frame an ‘outside’ enemy as a way of achieving an easy consensus; the aim was the conversion of the new ‘enemy’ into a scapegoat for every source of social and economic fragility.

At that time, Lega Nord was a minor political force; today it governs Italy and has the power to convert to law a citizenship model based on *ius sanguinis* (right of blood). This aim is being achieved with the popular support that Lega Nord overtly courted and stirred up.

The novelty of the approach taken by Lega Nord is that the difference between regular and irregular immigrants (which was a pillar of the previous Right-wing legislation) loses its relevance. Instead, an ancient distinction has gained significance: nationality outlines the border between who has the right to exist and who does not.

The shamelessness with which the legislators in Italy are increasing the distance between ‘us’ and ‘them’ is the main break from the past. The legitimacy of denigrating foreigners, sanctioned by the media and in some instances the legal system, manifests itself in racist and discriminatory acts and violence.

### The new security package

The Italian Government has recently adopted a number of measures in the name of security that severely harm the rights of immigrants.

The so-called ‘*Pacchetto sicurezza*’ (security package) (Law no. 125/08, Decree no. 159/08, Decree no. 160/08 and Law no. 94/2009), approved by the Council of Ministers, is composed of different measures including standards on public security and new rules about family reunion. Here is a short review of these, and other, measures that affect the rights of immigrants in Italy:

- **Aggravating penalty:** Among the most severe measures approved is the introduction of the ‘aggravating penalty’ for irregular foreign citizens (Law no. 125/08). On the basis of this new rule, if an irregular foreign citizen commits an offence, the punishment is increased by one-third. In substance, being ‘foreign’ attracts different treatment than that given to Italian citizens committing the same offence. It is an overt violation of the constitutional principle of equality of all before the law.

- **Family reunion:** Decree no. 160/08 restricts the right to family reunion, limiting it to a major and not separated consort, under-age children, a major child where the child is totally disabled and an over sixty-five parent, but only if there are no other children living in the country of origin or if they cannot take care of their over sixty-five parent. In default of appropriate documentation issued by an authority in the country of origin to certify the family relationship, a DNA test is required from the consular authorities at the applicant’s expense. The minimum income level required in order to qualify for reunion is equal to the annual social security benefit (5,142 Euro), plus an additional half of this amount (2,571 Euro) for every reunion relative. So, if an immigrant wants to reunite with a partner or child, they must have a minimum annual income of 10,285 Euro. These restrictions limit one of the few chances immigrants have to enter Italy regularly outside annual immigration quotas.

- **Illegal immigration offence:** The security package introduces an ‘illegal immigration offence’. If a foreigner enters or stays illegally in Italy, the punishment foreseen in the draft law (compulsory arrest, summary procedure and imprisonment for six months to four years) has been replaced in the final law with a fine of 5,000 to 10,000 Euro and deportation. The law contemplates the opening of a criminal case. Making irregular immigration a criminal offence has other implications. Under the Penal Code, civil servants are required to inform security authorities of all criminal offences that they become aware of during their activities (Article 361 and 362). This means that if a civil servant gains knowledge of the irregular state of a foreign citizen, he/she must notify the authorities. The first episodes of reporting by medical and school managers have already occurred. As a consequence, the right to education as well as to urgent medical care are

now threatened, whereas until a short time ago these rights were guaranteed to youngsters and citizens regardless of their residence status.

- **Detention:** Under the security package, the maximum detention period in Identification and Expulsion Centres (CIEs) has been extended from 60 to 180 days. However, this extension does not guarantee that expulsion will be carried out within this time. Expulsion can only be realised after identification of the detainee by the embassy of the country of origin. If this identification does not arrive within 60 days, it is unlikely that it will arrive in 180 days. The reintroduction of detention in CIEs for asylum seekers subject to expulsion measures because of residence irregularities and the reduction of their jurisdictional protection in the case of rejection of the asylum request are the most important novelties of the Asylum Decree no. 159/08.
- **Citizenship tax:** Under the security package, declarations of election, purchase, renunciation and concession of citizenship are subject to a contribution of 200 Euro. These contributions will be assigned to the Minister for Interior, who must use half for cooperation and collaboration projects on immigration with countries of origin.
- **Residence permit fee:** The security package sets a fee for the necessary papers for the issuing or renewal of a residence permit of between 80 and 200 Euro. This is in addition to the amount that foreigners already pay to apply for a residence permit (7,212 Euro).
- **Integration:** The security package provides that foreigners will sign, together with the residence permit, an 'integration agreement' committing to specific 'integration goals'. Precise standards and modalities for this have not yet been defined. Foreigners living legally in Italy for a long time can request a long-term resident permit, which is conditional upon passing an Italian language test. Italian or foreign citizens can also be asked to prove the suitability of their habitation to register or to change their address on the residence register (which is the source of the address recorded on the identity card). Most foreigners currently live in very poor housing conditions, so this will be an obstacle to the registration of births, marriages and deaths. Failing to produce an identity card and residence permit when asked will attract a penalty of one-year's detention and a fine of up to 2000 Euro.
- **Obstacles to remittance flows:** Under the security package, managers of money transfer services are required to photocopy the client's identity card and residence permit. If the client does not have a permit, managers must inform the local police within 12 hours, or lose their licence. Photocopied documents must be kept for 10

years. This measure will have a negative effect on remittance flows and, therefore, on immigrants' families at home.

- **Legalisation of vigilante groups or 'rounds':** The mayors, in agreement with the prefects, can make use of the collaboration of unarmed associated citizens to inform police about urban social security threats and 'social degradation' situations. The mayors must first use associations constituted by former members of the police or army. It is important to note that some of the present associations that begun to practise this kind of activity before the approval of the security package are managed by Right-wing groups or individuals involved in fascism apology acts. See the example of Gaetano Saya, leader of 'black rounds', investigated in 2004 for racist propaganda and arrested in 2005 for creating a kind of 'parallel' police force in the fight against terrorism sector of the Italian intelligence service. These kinds of people are not the appropriate people to protect our society.
- **Discrimination against Roma and Sinti:** Particularly discriminatory treatment has been applied to gypsies. The Decree of the Prime Minister of 21 May 2008 declared "the emergency state in regard to Roma and Sinti settlements in the areas of Campania, Lazio and Lombardia". Through some ordinances of the President of Council of Ministers (No. 3676 to 3678 of 30 May 2008), the prefects of Rome, Milan and Naples have been elected Managing Commissioners in order to deal with the "gypsy emergency". The ordinances provide for the monitoring of authorised camps and of the location of illegal camps, and for the taking of a census of gypsies living in camps involving fingerprinting – even of children.

Lega Nord and the Government majority succeeded in persuading most of the public that the so-called 'security package' and all the strict rules on immigration will lead to major security improvements for all Italians. As a matter of fact, the main effect has been an increase in intolerance towards foreigners, which has led to more racist acts and violence.

The choice to intervene in the legal condition of foreigners only through safety laws and measures sends an important symbolic message: that so-called 'insecurity' is due to the presence of foreigners, who, as they were born in another country, are inclined to criminality by nature. It is exactly this rhetoric, deliberately based on fear and the perception of foreigners as a threat, that allows such laws, so explicitly detrimental to the rights of migrants, to exist. That is not all; the political use of these laws to spread, much more explicitly than in the past, the idea that intolerance toward foreign citizens, discriminatory behaviour, and even racist violence have some *raison d'être*, is reprehensible. Indeed the discriminatory effects of some measures

contained in Law no.94/2009, which makes illegal immigration an offence, appeared even before the final approval of this law, highlighting how the interaction between the political/media discourse and the legislative activity leads to the social stigmatisation of foreign citizens. ■

## References

- Hammarberg, T. (2009). *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January*. Strasbourg: Commission for Human Rights of the Council of Europe. Available from: <wcd.coe.int/ViewDoc.jsp?id=1428427&Site=CommDH&BackColorInternet=FEC65B&BackColorOrIntranet=FEC65B&BackColorLogged=FFC679>.
- Naletto G. (ed) (2009) *Il razzismo in Italia (The racism in Italy)*. Rome: Manifestolibri.