



of many EU-nationals from its territory, have set back the principle of intra-EU mobility once again.

### **The Italian case study: events and consequences**

On 30 October 2007, a Romanian citizen and ethnic Roma, Romulus Mailat, robbed, sexually abused and beat 47-year old Giovanna Reggiani, the wife of an Italian admiral, who died of her injuries two days later. It was "the wrong murder, at the wrong time", as the Italian lawyer Stefano Maffei described it in the light of subsequent events.<sup>6</sup> Speaking from the perspective of Romanian immigrants, the founder of the Romanian League in Italy, Sorin Cehan, went one step further, describing the event as "our 11 September. We are now enemy number one".<sup>7</sup>

Almost immediately, the murder sparked a series of actions and declarations that confirmed the securitization of Romanian immigration in Italian politics and society. On 31 October, the Italian government issued a decree that granted powers of expulsion to local authorities. In response to a wave of media-fanned public indignation, this decree accorded prefects, local representatives of the interior ministry, the power to expel any European citizen who posed a threat to public security.<sup>8</sup> The decree did not specify any need to consult a judge before proceeding with the expulsion, thus leaving the decision entirely in the hands of the prefects.<sup>9</sup>

The European Parliament<sup>10</sup> and NGOs such as Human Rights Watch,<sup>11</sup> the Italian League for Human Rights<sup>12</sup> and the European Roma Grassroots Organization<sup>13</sup> fervently criticized this decree as a breach of European Directive 38/2004, which protects the freedom of movement in the European movement, and guarantees the rights and safety of the individual. They also considered it discriminatory towards the Romanian immigrant community in Italy as a whole. But Interior Minister Giuliano Amato justified the emergency decree as an attempt to "prevent the terrible tiger of xenophobia, the racist beast, from breaking out of the cage".<sup>14</sup>

The Italian decree led to the expulsion of 20 people in the 24 hours after it was adopted, and at least 40 people during the first week.<sup>15</sup> The Mayor of Rome, Walter Veltroni, was quick to follow suit and ordered the flattening of several immigrant encampments in the city, starting with Tor di Quinto, where Romulus Mailat had lived with his family before being arrested.<sup>16</sup>

National politicians rushed headlong into the controversy. Gianfranco Fini, the leader of the oppositional National Alliance, took on the delicate question of criminality among the Roma by saying that they "are not able to be integrated into our society".<sup>17</sup> He demanded the expulsion of 200,000 immigrants<sup>18</sup> and said that all immigrants who could not justify their presence in Italy should show proof of income to be allowed to remain.<sup>19</sup> Former Prime Minister Silvio Berlusconi made public statements suggesting that Italy should impose a moratorium on the entrance of Romanian immigrants in the country.<sup>20</sup> However, it wasn't just opposition politicians who joined the fray. Minister of Infrastructure Antonio di Pietro suggested a moratorium of two to three years on immigration from Romania, Bulgaria and all the countries that joined the EU in 2004.<sup>21</sup>

The Italian public responded strongly to the harshly anti-immigrant tone adopted in much of the media, at times resorting to violence. In a survey published by the Italian journal *Corriere della Sera*, 70% of the Italian respondents declared that they didn't think it was possible to peacefully co-exist with the Roma.<sup>22</sup> Forty-eight hours after the attack on Giovanna Reggiani and a day after the adoption of the Italian decree, a gang of ten Italians brutally attacked three Romanians coming out of a supermarket, seriously injuring one of them.<sup>23</sup> On 4 November 2007, several hundred Italians marched in Rome, declaring that they were giving all Romanian immigrants ten days to leave Italy.<sup>24</sup>

The Romanian government expressed its concern over the treatment of its citizens in Italy. The Romanian Prime Minister, Călin Popescu Tăriceanu, publicly called for Romano Prodi to protect the Romanians living in Italy from xenophobic Italians.<sup>25</sup> The Romanian government seemed more concerned with the Italian public's reaction to the Reggiani case and the expulsion decree, however, than with the decree itself, which it probably viewed as a temporary measure which would not become law after its expiration in sixty days. On 7 November, Tăriceanu flew to Rome, and, after a two-hour meeting with his Italian counterpart,

Romano Prodi, agreed to set up a joint police force and to send more Romanian police to Italy. In their statements, the two Prime Ministers shifted the focus from the expulsion of Romanian criminals to the difficulties of integrating ethnic Roma. They wrote a joint letter to the European Commission to ask for more structural funds for what they called "the most problematic phenomena, like the migration flows involving the Roma ethnic group".<sup>26</sup>

The diplomatic crisis unleashed after the murder also had unexpected fallout in the European Parliament. Only ten months after its creation, the parliamentary group of extreme-right parties, the Identity, Tradition and Sovereignty Group, split up in acrimony. It had united parties from six countries, but the Greater Romania Party withdrew from the bloc in protest after Alessandra Mussolini, a Member of European Parliament (MEP) for the neo-fascist Social Alternative, demanded that the Romanian ambassador should leave Italy, and said that Romanians were neither wanted nor needed in her country.<sup>27</sup> Without the Romanians, the remaining participants no longer contained the minimum of twenty MEPs from six countries that are needed to be recognized as a parliamentary group, which meant it would no longer qualify for the speaking rights and about 1 million euro in yearly funding it had been receiving. The group was therefore dissolved.<sup>28</sup>

### **Critical notes on the controversy**

The European Parliament and NGOs were amongst the first to protest against the Italian decree. On 15 November 2007, the European Parliament passed a resolution that re-affirmed the importance of freedom of movement as one of the four fundamental freedoms in the EU. It explicitly rejected the principle of collective responsibility, involved in the act of expelling groups of immigrants over the actions of one, and reaffirmed the need to combat every form of racism and xenophobia and all forms of discrimination and stigmatization based on nationality and ethnic origin, as stated in the EU Charter of Fundamental Rights.<sup>29</sup>

The resolution also explicitly criticized a statement made by EU Commissioner for Justice and Home Affairs Franco Frattini. Frattini had said that Italy was showing too much tolerance towards Romanian immigrants, by allowing their entrance without proof of employment in Italy.<sup>30</sup> The Commissioner responded by posting a declaration on his official website, in which he wrote: "I have stated that, whilst the Commission is not prepared to tolerate any form of discrimination or intolerance of EU citizens, it will equally support member states that lawfully protect citizens – whether their own nationals or citizens of the Union more generally".<sup>31</sup>

Human Rights Watch published a statement on 8 November, in which Judith Sunderland said: "Romanians are the real target of this expulsion decree, not EU nationals in general. The Italian authorities should not punish a community for the alleged crimes of one member [...] Police raids and expulsions send the message that discriminating against Roma and Romanians is OK".<sup>32</sup> The Italian League for Human Rights also condemned the decree. It declared that "the government Order dated November 1st 2007 [...] is implicitly aimed at the Roma community and specifies deportation as a security measure. In doing so, an entire migrant community is targeted and people who are indeed not accountable for the mistakes of others are condemned".<sup>33</sup>

Valeriu Nicolae of the European Roma Grassroots Organization was also quick in condemning the declarations of national and EU officials, and in particular, the tendency to divert attention from the decree to the "Roma problem". He said: "The "no-comment" attitude of EU governments in general when it comes to anti-Gypsyism, and the lack of reaction to the inept and racist discourses of some EU politicians are largely to blame for the situation. The EU, with its silence, encourages the Romanian state to join in casting collective blame on a part of its citizenry, and to take a docile approach, disguised as diplomacy, towards the xenophobic comments of some Italian politicians".<sup>34</sup>

## Conclusion

The securitization of migration means that immigrants are presented as a threat to either the integrity of the state and society (as expressed, for example, in the fear of immigrant terrorists) or to the identity of the society. The securitization of Romanian immigrants in Italy falls into the latter category.

A single incident sparked disproportionate responses from local, national and European authorities. Nasty political rhetoric, negative media portrayal and physical attacks are not new phenomena with regards to how immigration has been received in Europe. What is new, however, is the backing of these manifestations by a legislature that abridged one of the four European fundamental freedoms, the freedom of movement of EU nationals on the territory of EU member states, and did so with no provision to appeal to a judge.

Italy has traditionally been a country of emigration, and has only been evolving into a country of immigration in recent years. It prides itself on not being racist and generally follows the formula put forward by the famous Italian journalist Indro Montanelli: "we don't have any races. When we do, we shall see"<sup>35</sup>. What happened in the aftermath of the Reggiani case, however, shows that Italy may or may not be racist, but it certainly is xenophobic. Ironically, since Italy has one of the lowest fertility rates in the world<sup>36</sup> and needs immigrants to ensure its birth rate, Italy seems to fear what it needs most.

The events following the tragic death of Giovanna showed that Italy is not quite ready to face the challenge of immigration. Her death triggered a widespread and highly emotional reaction, which devolved into xenophobic responses ranging from physical attacks on Romanians to "petty" punishments such as refusing to serve Romanian immigrants in bars and shops. Despite Minister's Amato stated intention, the decree adopted by the Italian government did not manage to reassure the public and instead heightened Romanian immigrants' fear of persecution. This was not lessened when a new decree was adopted on 28 December 2007 to replace the November decree, which added "terrorism" to the "threat to public security" as reasons for expulsion.

No EU official or authority made significant attempts to impede the Italian government from adopting either of the decrees. In fact, controversial statements by Commissioner Frattini in favour of the November decree were met with silence in the European Commission. Only the European Parliament actively contested the measure's validity under EU laws and principles.

Having managed to divide opinion in Brussels, Italy was free to act as it deemed necessary. The application of the decrees, however, did not match the initial expectations of the Italian authorities. As of January 2008, 167 Romanians had been officially expelled according to the provisions of the two decrees<sup>37</sup>. Most of all, however, it is not the scale of the events itself, but their intensity, the intentions they revealed on the part of many of the actors involved, and the troubling legacy they leave behind that will burden any future action, which make this case worthy of thoughtful reflection. The Italian decree is still in place, and so is the precedent for the rest of the EU member countries. It is now left to the local, national and European communities to deal with this legacy, so that one day, we might instead be able to say: "All thoughtful migration solutions are to be found in Rome".

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