

PARALLEL REPORT  
BY  
THE EUROPEAN ROMA RIGHTS CENTRE AND  
ASSOCIAZIONE 21 LUGLIO  
TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION  
ON ITALY  
FOR ITS CONSIDERATION AT THE 80th SESSION  
13 February to 9 March 2012

The European Roma Rights Centre (ERRC)<sup>1</sup> and Associazione 21 Luglio<sup>2</sup> (Submitting Organisations) submit this parallel report to the United Nations Committee on the Elimination of Racial Discrimination on the occasion of their review of the 16<sup>th</sup> to 18<sup>th</sup> periodic reports from Italy.

### **The Convention on the Elimination of Racial Discrimination: Pertinent Articles**

The Submitting Organisations recall the following rights, guaranteed in the International Convention on the Elimination of All Forms of Racial Discrimination:<sup>3</sup>

**Article 3:** States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

**Article 5:** [...] States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

[...] (d) Other civil rights, in particular:

[...] (iii) The right to nationality;

[...] (e) Economic, social and cultural rights, in particular:

[...] (iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training

### **Introduction**

1. This report addresses discrimination of Roma and Sinti in the following areas:
  - Substandard housing conditions and forced evictions;
  - Data collection;
  - Access to education;
  - Hate speech and violence; and
  - Access to healthcare.
2. The approach of the Italian authorities to Roma and Sinti has been underpinned by the classification of these groups as “nomads”, although almost all Roma in Italy are sedentary.<sup>4</sup> In May 2008 a “state of emergency in relation to nomad settlements” entered into force and related decrees gave extraordinary powers to specially appointed prefects in Rome, Naples, Milan, Turin and Venice, known as “Commissioners for the construction of all actions necessary to overcome the state of emergency” in the regions of Lazio, Campania, Lombardy, Piedmont and Veneto.
3. The State of Emergency subsequently expanded to include Piedmont and Veneto and was extended several times. According to this Decree, special state authorities were afforded extraordinary powers, including: monitoring camps, conducting a census of persons resident in camps (including minors), taking photos and requesting documents to identify and record residents, expelling persons with irregular status from camps, displacing persons to formally monitored camps and carrying out forced

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<sup>1</sup> The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Information about the European Roma Rights Centre is available at: <http://www.errc.org>.

<sup>2</sup> Associazione 21 luglio is an organisation established to promote and defend the rights of children in general, and those of Roma children living in Italy in particular. The mission of the organisation is: safeguarding Roma children, fighting every form of discrimination, building critical awareness regarding the rights of Roma children, promoting campaigns and launching appeals to halt possible violations of Roma children’s rights. Information about Associazione 21 luglio is available at: <http://www.21luglio.com>.

<sup>3</sup> International Convention on the Elimination of All Forms of Racial Discrimination, available at: <http://www2.ohchr.org/english/law/cerd.htm>.

<sup>4</sup> According to a 2008 report by the Institute for Public Opinion Studies, 84% of Italians think Roma are *nomads*. See: Italian Senato della Repubblica, *Commissione Straordinaria Per La Tutela E La Promozione Dei Diritti Umani: Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia* (2011), available at: [http://www.roma-intercultura.it/userfiles/Rapporto%20indagine%20rom\\_sinti%20e%20caminanti.pdf](http://www.roma-intercultura.it/userfiles/Rapporto%20indagine%20rom_sinti%20e%20caminanti.pdf).

evictions of informal settlements. In the three and half years since this regulation came into force, authorities in these regions have undertaken an extensive census operation, including fingerprinting and photographing the Roma living in camps, which raised serious data protection concerns.<sup>5</sup>

4. Authorities, particularly in Rome and Milan, continue to target Romani communities with almost daily evictions affecting thousands of persons, resulting in segregation, homelessness, destruction of property, separation of families and preventing Roma from accessing education and healthcare services.<sup>6</sup>
5. In November 2011, the Italian Council of State ruled that the state of emergency was not lawful and constituted discrimination.<sup>7</sup> The Council of State ruled that there was no evidence of a causal link between the existence of nomadic settlements and the extraordinary and exceptional disruption of order and public security in the affected areas. There was not an extraordinary situation justifying an emergency intervention from the Government.<sup>8</sup> The judgment had immediate effect and renders the State of Emergency invalid. As a consequence, all regulations and State actions whose legal authority was based on the State of Emergency are illegal. This includes the presidential decrees affording extraordinary powers to prefects and appointing them as special commissioners for the emergency situations and all the subsequent acts of the prefects that were based on emergency powers.
6. The submitting organisations are concerned that Italian authorities are not paying attention to the ruling. The Municipality of Rome is continuing to build new formal camps, despite the 16 November 2011 ruling of the Council of the State against the State of Emergency. On 20 December 2011 Associazione 21 luglio sent a letter to local and national authorities asking them to stop the construction of the new "equipped village for nomads" in Rome in compliance with the ruling.<sup>9</sup>

## Right to adequate housing

### (i) Substandard living conditions in formal camps

7. The continuing misperception that Roma are nomadic implies that Romani settlements are not intended for long-term use, as reflected by the official housing policy directed at them since the 1980s. The Italian authorities have instituted a system of "camps": the so-called formal camps are segregated settlements constructed and authorised by the authorities, while the other settlements in which people live, often without permission but sometimes for many years, are known as informal camps. Formal camps, authorised by the authorities and located on the periphery of cities and towns, are home to around one third of the Roma living in Italy.<sup>10</sup>
8. Municipalities are supposed to ensure that they are built in areas beneficial to the Romani community: "areas that avoid urban marginalisation; those which facilitate access to education, health and social services; those which encourage the participation of the inhabitants of such settlements in the area's social life."<sup>11</sup> Regional laws also require municipalities to provide basic utilities for the camps, including fencing, electricity, clean water, waste disposal and playgrounds. However, the municipalities that

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<sup>5</sup> European Roma Rights Centre (ERRC), osservazione and Amalipé Romanò, Submission to UN UPR on Italy, February 2010, available at: <http://www.errc.org/article/errc-submission-to-un-upr-on-italy-february-2010/3752>; ERRC, Submission to the European Commission on Violations of EC Law by Italy, available at: <http://www.errc.org/article/errc-submission-to-the-european-commission-on-violations-of-ec-law-by-italy-may-2009/3787>.

<sup>6</sup> ERRC and Associazione 21 Luglio, Evictions of Informal Camps in Rome, 08 August 2011, available at: <http://www.errc.org/cms/upload/file/italy-evictions-of-informal-romani-camps-in-rome-11-august-2011.pdf>

<sup>7</sup> Sentenza n. 6050 del 16 novembre 2011 Consiglio di Stato, available at: <http://www.immigrazione.biz/sentenza.php?id=1182>

<sup>8</sup> Sentenza n. 6050 del 16 novembre 2011 Consiglio di Stato, available at: <http://www.immigrazione.biz/sentenza.php?id=1182>

<sup>9</sup> See Associazione 21 luglio, Letter of formal notice to the Interior Minister and Municipality of Rome, 20 December 2011; available at [http://www.21luglio.com/index.php?option=com\\_content&view=article&id=53:diffida-al-ministero-dellinterno-e-al-comune-di-roma&catid=7&Itemid=109](http://www.21luglio.com/index.php?option=com_content&view=article&id=53:diffida-al-ministero-dellinterno-e-al-comune-di-roma&catid=7&Itemid=109).

<sup>10</sup> European Union Agency of Fundamental Rights, *The Housing Conditions of Roma and Travelers in the EU* (October 2009), available at: [http://fra.europa.eu/fraWebsite/attachments/ROMA-Housing-Comparative-Report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/ROMA-Housing-Comparative-Report_en.pdf).

<sup>11</sup> Udo C. Enwereuzor and Laura Di Pasquale, *Thematic Study Housing Conditions of Roma and Travellers* (COSPE RAXEN NFP Italy, March 2009), available at [http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Italy\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Italy_en.pdf) (27/06/2011).

construct camps frequently do not meet these conditions, and the living conditions provided for Roma are often inadequate and even harmful to the well-being of Romani families.<sup>12</sup>

9. In the city of Rome there are seven formal camps built by local administrators in recent years; almost 3,000 people belonging to the Roma and Sinti community live in these "villages". A third of the inhabitants are Romanian citizens, the remaining are citizens of other countries, including Italy.

### **Formal camp: Via Salone 323**

The formal camp Via Salone 323 is the largest settlement in Rome, and it was the pilot camp where the innovations of the plan were tested. Therefore it is the most representative of the policy adopted by the municipality toward the Romani communities.<sup>13</sup>

Via di Salone 323 is located in a remote position on the eastern edge of Rome, beyond the ring road that encircles Rome. It is distant from essential services: the nearest pharmacy is 4.2 km, the nearest hospital is 10.6 km, the nearest post office is 2.7 km and the nearest grocery store is 3.1 km away. The nearest bus stop is 1.5 km away and the route is without lights, pavements or road crossings.

The area is surrounded by a metal fence and equipped with about 30 video cameras around the perimeter of the settlement. The entrance is controlled. A resident of the camp explained: "*This is like a concentration camp, there is no tattoo, but there is a card to enter and exit. I ask myself if this camp is in accordance with applicable law. Are containers made according to the law? Does the law allow them to keep all these people in this way in such a space? We must do these things according to law.*"<sup>14</sup>

Originally the camp was home to around 600 inhabitants, from Bosnia, Serbia, Montenegro and Romania. In 2008, the number went up to 700. Since 2009 the number of inhabitants has steadily increased as a consequence of the transfer of many families who were victims of evictions. There are now about 1100 people in 198 container houses, which offer a limited amount of living space (22 - 28 square metres), but are regularly inhabited by up to nine people. According to the relevant legislation, four people should have a living space of at least 56 square metres.<sup>15</sup> It is impossible for inhabitants to enjoy normal daily activities, such as sleeping, eating and studying, in such a limited space. Children are especially affected by these poor living conditions.<sup>16</sup>

A Romani woman interviewed said: "*There is no space inside the container. With 10 children what should I do here? We cannot even put a table outside and eat. Two of my children sleep on the floor. The big ones sleep in another container and have not enough space. But the little children want to be with us, but there is no space, and they sleep on the floor in the living room.*"<sup>17</sup>

The increase of the camp population has also caused deterioration in living conditions. The health of the inhabitants of the camp, especially children, is further endangered by the presence of an incinerator for toxic and harmful waste just 800 metres from the camp. Common health problems include respiratory problems due to houses whose rooms are very hot in summer and cold in winter. Inhabitants also suffer from dermatitis, lice, warts and scabies. In some cases, children suffer from psychological distress because of the camp conditions.

Associazione 21 luglio observers, who have been monitoring the pilot camp for years, affirm that the greatest danger seems to be the institutionalisation of discriminatory practices and of segregation, which does not allow the Roma and Sinti communities of Rome to interact positively with the rest of the population.

<sup>12</sup> ERRC, Submission to the UN CRC, July 2011, available at: <http://www.errc.org/article/errc-submission-to-un-crc-on-italy-july-2011/3917>.

<sup>13</sup> Associazione 21 luglio, Esclusi e ammassati, Report on the living condition of Roma minors in the camp in via di Salone, Roma, 2010, available at: <http://www.21luglio.com/ESCLUSI%20E%20AMMASSATI.pdf>.

<sup>14</sup> Interview with G. S., Roma man, de facto stateless, 32 years old, Rome, camp Salone, 23 July 2010.

<sup>15</sup> See Municipality of Rome, *Regolamento Generale Edilizio del Comune di Roma*:

<http://www.comune.roma.it/was/repository/ContentManagement/node/P138069942/regolamento%20edilizio%20di%20roma.pdf>.

<sup>16</sup> Associazione 21 luglio, Esclusi e ammassati, Report on the living conditions of Roma minors in the camp in via di Salone, Roma, 2010, available at: <http://www.21luglio.com/ESCLUSI%20E%20AMMASSATI.pdf>.

<sup>17</sup> Interview with F. H., Bosnian Roma man, 40 years old, Rome, camp Salone, 23 July 2010.

10. The exclusionary and discriminatory housing policies, the absence of projects characterised by strong social inclusion and the discriminatory treatment of Roma and Sinti communities by the Italian authorities, are the main concerns; there is an absolute lack of appropriate projects offering effective alternatives to the camps.<sup>18</sup>

## **(ii) Forced evictions**

11. In recent years, Italian authorities have adopted measures aimed at Roma, in an attempt to respond to the presence of "nomadic settlements" in some big cities, including the measures taken under the State of Emergency. On 27 April 2011, the Municipal authorities in Milan celebrated 500 evictions since 2007.<sup>19</sup> According to the Mayor of Rome, 154 targeted evictions were carried out just between March and May 2011 affecting 1,800 Roma.<sup>20</sup> The ERRC is deeply concerned by these ongoing evictions, and sent three letters of concern to Italian authorities in 2011 alone.<sup>21</sup>
12. Since 2010, the ERRC and Associazione 21 luglio have documented evictions of informal Roma camps carried out by authorities in Rome, aiming to assess the legality of the evictions conducted. Through this work, the organisations have established that Rome authorities consistently violate housing rights in the process of evicting Roma. Romani families living in informal camps in Rome do not receive any official written notice prior to their forcible eviction. Evictions are conducted by law enforcement officials, without the presence of social services. Their behaviour disregards the personal situation of the affected people; no special consideration is made for children enrolled in local schools, elderly people, pregnant women or people with health problems. Typically, police arrive early in the morning and demolish shacks, tents and barracks. Without advance warning, the Romani residents lose their homes and often their possessions. Scattered throughout the city, the affected Roma are forced to keep moving, sometimes every few hours, to find temporary relief, often by joining or establishing another informal settlement.<sup>22</sup> When available, the shelters run by the municipality are offered only to women and children, forcing families to split up. If alternative accommodation is offered during an eviction, it is only this temporary and partial solution, which many Romani families refuse.
13. Data gathered during the exploitative census activity targeting Roma in June 2008<sup>23</sup> and the subsequent "Regulation of areas for nomads in the Municipality of Milan" passed in February 2009<sup>24</sup> was used by the local authorities to revoke the permission of many individuals and families to live in formal camps. Families were forced to sign the Regulation, which contained a list of rules in Article 12.<sup>25</sup> The penalty for violating these rules was eviction from the camp.<sup>26</sup>

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<sup>18</sup> See European Roma Rights Centre, *Campland: Racial segregation of Roma in Italy*, Budapest November 2000, available at: <http://www.errc.org/article/campland-racial-segregation-of-roma-in-italy/3681>; Associazione 21 luglio, *La casa di Carta, report sulle condizioni di vita in un centro di accoglienza per rom del comune di Roma*, Roma maggio 2011.

<sup>19</sup> Milano, Rom, De Corato festeggia i cinquecento sgomberi, 27 April 2011, available at [http://milano.repubblica.it/cronaca/2011/04/27/news/rom\\_de\\_corato\\_festeggia\\_i\\_cinquecento\\_sgomberi-15419177/](http://milano.repubblica.it/cronaca/2011/04/27/news/rom_de_corato_festeggia_i_cinquecento_sgomberi-15419177/)

<sup>20</sup> Gianni Alemanno, Mayor of Rome, *Il Blog di Alemanno 2.0*, 11 June 2011, available at: <http://duepuntozero.alemanno.it/2011/06/10/nuova-identita-visiva-della-polizia-municipale.html>; "Proseguono gli sgomberi ma chi va a scuola non si tocca", *Il Messaggero*, 12 June 2011, available at: <http://194.177.96.73/cliente67/DatiWeb/PdfSingoli/83044.pdf>.

<sup>21</sup> Romani Families Forced onto the Street by Continuing Evictions in Rome, 27 October 2011, available at: <http://www.errc.org/cikk.php?cikk=3938>; No Place for Roma: French and Italian Authorities Aggressively Evict Roma, 11 August 2011, available at: <http://www.errc.org/cikk.php?cikk=3922>; ERRC Calls on Rome Authorities to Halt Practice of Forced Evictions, 8 February 2011, available at: <http://www.errc.org/cikk.php?cikk=3810>.

<sup>22</sup> Telephone interview with a representative of an NGO. Milan, Italy: November 2010.

<sup>23</sup> ERRC, *Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy*, 11 September 2008, available at: <http://www.errc.org/cms/upload/file/m00000428.pdf>.

<sup>24</sup> Il Commissario per l'emergenza nomadi in Lombardia, *Regolamento delle aree destinate ai nomadi nel territorio del Comune di Milano*, available at: [http://www.interno.it/mininterno/export/sites/default/it/assets/files/16/0845\\_regolamento20090205.pdf](http://www.interno.it/mininterno/export/sites/default/it/assets/files/16/0845_regolamento20090205.pdf)

<sup>25</sup> Examples of contraventions of these rules leading to evictions from authorised camps include: convictions for petty crime from up to 40 years ago; temporary absences from the camp; having hosted parents; and allegedly having a relative who owns a house "Allontanamento nomadi via Chiesa Rossa, alcuni erano titolari di appartamenti in Lombardia ed altri erano intestatari di contratti di affitto a Milano", *Cronaca Milano*, 11 August 2010, available at: <http://www.cronacamilano.it/cronaca/2313-allontanamento-nomadi-via-chiesa-rossa-alcuni-erano-titolari-di-appartamenti-in-lombardia-ed-altri-erano-intestatari-di-contratti-di-affitto-a-milano.html>.

<sup>26</sup> In September 2010, the municipality of Milan issued orders evicting 120 Roma from the authorised camp of *via Idro* based on violations of Article 12. This practice has been reportedly carried out in all 9 authorised camps, 2 of which have now been closed completely: *via Triboniano* and *via Barzaghi*. Telephone interview with two NGO representatives. Milan, Italy: December 2010. Documents on file with ERRC.

## Data collection

14. In December 2009, the administrative authorities of the Municipality of Rome, in accordance with the prefect-commissioner, initiated the process of fingerprinting and taking identification photographs of the Roma and Sinti communities present in the capital to obtain:
  - (i) a Dast card - *Documento di autorizzazione allo stanziamento temporaneo* (Document authorising temporary sojourn), required for residents of the authorised settlements;
  - (ii) international protection necessary for establishing the applicant's legal position in order to be eligible for a residence permit for humanitarian reasons. According to information provided to Associazione 21 luglio by a vice-prefect of the *Prefettura* (prefecture) of Rome, until 31 July 2011 these operations involved all the inhabitants of the formal settlements of Salone, Gordiani, Camping River, Candoni, Castel Romano, Cesarina, Lombroso, the centre of via Salaria, the closed settlements and the settlements to be closed: ex Casilino 900, ex La Martora, Foro Italico.<sup>27</sup> According to the same source, on 31 July 2011, of the 5,000 Roma included in the census: "there were 693 applicants requesting international protection, 327 of whom had insufficient or inadequate documentation; 119 applicants were issued residence permits for humanitarian reasons; 56 applicants were rejected, 57 applicants were to be summoned for an interview with the competent territorial Commissioner; 134 applicants were awaiting notification of the Commissioner's decision".<sup>28</sup>
15. The fingerprints and photographs were used in both procedures for stateless persons, but also for those who had identification documents; including Roma with Italian citizenship, Roma with documentation of other European Union citizenship, Roma already in possession of a residence permit (or who had obtained one in the past) and third country nationals. The operations exclusively targeted Roma and Sinti, regardless of their residence or citizenship status.
16. The prefect-commissioner Giuseppe Pecoraro told a researcher from Associazione 21 luglio in January 2010 that the procedures of gathering fingerprints and photographs of the Roma and Sinti were used to "separate the goodies from the baddies".<sup>29</sup> According to the checks carried out by the Associazione 21 luglio between December 2009 and January 2012 it seems evident that such a procedure violates national and international regulations concerning questions of ethnic or racial discrimination.
17. Public Security article 4R.D. 773/31 T:U. stipulates that "the public security authority has the faculty to order a dangerous or suspected person and those who are unable to or refuse to prove their identity to undergo the fingerprinting and identification photographic procedure". However, the Roma and Sinti were processed based on their ethnicity, without consideration of any suspicion against them or concern for their ability to prove their identity. Furthermore, Roma individuals interviewed often said that they felt forced to undergo fingerprinting and photographic procedures. The alternative would have been a lack of accommodation in an "equipped village". No Italian regulations legitimise the data obtained, particularly photographs involving complete family groups or minors under 14.
18. According to checks at the end of the procedure requesting international protection, many stateless persons - who remain unable to obtain any sort of document which would give them legal status - were not granted a residence permit for humanitarian reasons from the *Questura* of Rome because they had no passport.<sup>30</sup>

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<sup>27</sup> Statement given through e-mail by a vice-prefect of Rome to the Associazione 21 luglio on 19 October 2011; on file with Associazione 21 luglio. According to documentation gathered by the Associazione 21 luglio, in 2010 the Roma inhabitants of Tor de' Cenci camp were also included in fingerprinting and photographic procedures.

<sup>28</sup> *Ibidem*

<sup>29</sup> Interview with 21 luglio staff, Rome, 18 January 2010.

<sup>30</sup> Interview with a representative of an organisation dealing with children's rights, Rome, 3 November 2011.

## Access to education

### *(i) Impact of substandard housing and forced evictions on education*

19. Inadequate housing conditions and forced evictions negatively influence the school enrolment of Romani children. Overcrowded houses with poor infrastructure generally do not offer sufficient space and light for students to do their homework. A Romani researcher involved in ERRC research in February 2011 reported her personal experiences:
20. I grew up in a camp in Rome and I still live there. I completed high school with many difficulties as we live with discrimination every day. I was the first Romani girl among those who live in camps to get a degree. Where I live I was never able to concentrate, due to an incredibly noisy environment and the absence of private space. I felt different from both my classmates and my relatives.<sup>31</sup>
21. As a result of forced evictions, many Romani families are forced to take shelter in a new place, leaving children too far away from the schools in which they are enrolled. Transportation to school becomes increasingly difficult and the constant fear of being evicted creates anxiety and undermines the stability of families.
22. On 21 June 2011, the Via Marchetti Roma camp was closed in accordance with the “nomad plan” of Rome; 24 homes of the camp’s 67 inhabitants were demolished. During the 30 June 2011 evacuation of an illegal camp in Legnano, Milan, from the 54 camp residents, all of those over the age of 14, including minors, were charged with unlawful occupation of land.<sup>32</sup> According to recent ERRC field research in May and June 2011, a number of evictions of the Romanian Romani community at the Rubattino camp in Milan have taken place since their arrival at the camp in 2007. They were evicted on 29 January 2008, but returned to the camp, where children began to attend school. A local charitable organisation, the Comunità di Sant’Egidio, as well as mothers and teachers in the camp, asked the municipality to halt the eviction in order to ensure attendance at school for Romani children. Nonetheless, another eviction took place on 19 November 2009 during which over 40 women and children went to a shelter provided by the Municipality of Milan, while others were forced to find shelter elsewhere. Children over the age of six were hosted at a different shelter. The effects of these removals on the education of the children, in particular, could prove highly detrimental. A teacher in the camp indicated that the Rubattino evictions and the resulting disruption of education could have consequences, such as illiteracy. “It is a tool of racial segregation, ethnic cleansing because children have to wait for months in order to be enrolled in another school.”<sup>33</sup> The camp was finally evicted on 7 September 2010, and women and children were sent to a shelter sponsored by the Municipality for several months before moving on to the street again.<sup>34</sup>
23. Municipal efforts to improve education for Romani students are undermined by living conditions and forced evictions. For example, in the school year 2010-2011, the City of Rome arranged a project to support Romani children and adolescents attending school. The project involved 16 settlements, located in 11 sub-municipalities.<sup>35</sup> A total of 1,788 Romani children were enrolled in public schools: 1,205 of them (67%) lived in formal camps; 542 (30%) lived in the “tolerated” settlements; and 41 (2 %) in the reception centre of Via Amarilli.
24. 33 dedicated bus lines provided transport for Romani children to get to their schools. Associazione 21 luglio conducted research on this project, based around one of the bus lines that took children from the camps to school. Researchers found a situation characterised by elements of separation between Romani and non-Romani students. Children from the Via Salone camp were provided with a bus which

<sup>31</sup> Field researcher notes: February 2011.

<sup>32</sup> “Nomadi: sgomberati quattro campi abusivi a Legnano”, ANSA, 30 June 2011, available at: [http://www.ansa.it/web/notizie/regioni/lombardia/2011/06/30/visualizza\\_new.html\\_811035434.html](http://www.ansa.it/web/notizie/regioni/lombardia/2011/06/30/visualizza_new.html_811035434.html).

<sup>33</sup> Interview with a teacher working in a Romani camp. Milan, Italy: 24 May 2011. European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

<sup>34</sup> European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

<sup>35</sup> Information from the Department of Educational Services and School - Office Schooling Roma students, Schooling and refers to the Project Roma Children and Adolescents - School Year 2010-2011; in archive. Associazione 21 luglio

brought them to school quite late and picked them from school earlier than other students. Consequently, Romani children missed many hours of school during the academic year.<sup>36</sup>

25. The teachers interviewed noted that the work in class with Romani children was particularly challenging. They showed gaps in education compared to other children in the same class, because of the social conditions they came from. This led to a slower rate of progress and an educational marginalisation of Romani children, who perceived themselves and were by perceived by others as different. As one teacher noted: "They have all the abilities to be like the others, but their living situation, the context in which they live does not help them."<sup>37</sup>
26. The exclusion and segregation experienced in the camp<sup>38</sup> has also prevented the participation of Romani students in extracurricular activities and socialization with peers.

### **(ii) Child marriages and impact on the education of Romani girls**

27. Another obstacle to education and threat to the well-being of Romani children in Italy is the harmful practice of child marriage.<sup>39</sup> Authorities in Italy often regard early marriage among Roma as a cultural phenomenon and do not intervene to end to this harmful practice. Romani activists dispute the widespread belief that early marriage is a cultural practice of Roma,<sup>40</sup> instead pointing to socio-economic factors and education as influencing factors.<sup>41</sup>
28. Child marriages and the practices that accompany them, such as virginity testing, not only challenge the health and dignity of the children involved, but in many cases pose a barrier to the education of young women.<sup>42</sup> School drop-out rates among girls are particularly affected by child marriage and early pregnancy.
29. The attitudes and responses of state authorities working with Romani communities raise particular concern. Social workers reportedly perceive school drop-out of Romani children, particularly as a result of early marriage, as a "cultural" issue, and thus do not follow normal administrative procedures to ensure school attendance of school aged Romani children.<sup>43</sup>

### **Hate speech and violence**

30. The ERRC has been documenting instances of violence against Roma by State and non-State actors in Italy since 1998.<sup>44</sup> Violent incidents perpetrated by law enforcement officials and non-state actors against Roma continue in a climate of impunity.
31. In one recent incident, a Roma camp was destroyed as part of a violent march. According to ERRC partner organisations based in Turin,<sup>45</sup> hundreds of people marched to the informal Roma camp at Via

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<sup>36</sup> Associazione 21 luglio, Bus Linea 40, available at: <http://www.21luglio.com/images/Linea%2040%20ricerca%20integrale.pdf>

<sup>37</sup> Interview with a secondary school teacher S. Benedetto/Catullo, Rome, 15 February 2011

<sup>38</sup> See Associazione 21 luglio, Esclusi e Ammassati, Rome, November 2010;

[http://www.21luglio.com/ESCLUSI%20 E AMMASSATI.pdf](http://www.21luglio.com/ESCLUSI%20E%20AMMASSATI.pdf)

<sup>39</sup> ERRC, Idea Rom Onlus, Opera, *Parellel Submission to the Committee on the Elimination of all Forms of Discrimination Against Women on Italy*, June 2011, available at: [http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article\\_id=3908](http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3908).

<sup>40</sup> For more information, see Nicoleta Bitu and Crina Morteau, *Are the Rights of the Child Negotiable? The Case of Early Marriages within Roma Communities in Romania* (2010). Report realised with UNICEF Romania support within the Project 'Early Marriages within Roma Communities: Rule of Law, Cultural Autonomy and Individual Rights (of Children and Women)', available at [www.unicef.org/romania/Early\\_marriages\\_Romani\\_CRISS.pdf](http://www.unicef.org/romania/Early_marriages_Romani_CRISS.pdf).

<sup>41</sup> Fondazione Leio and Lisli Basso Issoco, *Identità di genere e prospettive di vita delle donne appartenenti alle comunità rom*, p. 72.

<sup>42</sup> According to anecdotal evidence, early marriages in Romani communities disproportionately impact Romani girls, but there is a lack of sufficient data to describe the extent of the problem, or to determine the impact on boys. The following section focuses on the outcomes of research which explored the experiences of Romani women and girls. ERRC, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe*, 15 November 2006, available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

<sup>43</sup> Email correspondence with Paola Marotti, Roma Onlus: 5 May 2009. Interview with Anna Maria Biondani, Maiore Opera Nomadi. Sicily, Italy: 22 December 2011

<sup>44</sup> ERRC, *Campland: Racial Segregation of Roma in Italy* (October 2000), available at:

<http://www.errc.org/cms/upload/media/00/0F/m0000000F.pdf>.

<sup>45</sup> Idea Rom Onlus, a Romani women's NGO working in Turin

Continassa, and set fire to shacks, caravans and cars. The attack was apparently sparked by a rape allegation against two Romani men, which was later reportedly retracted. The whole camp was destroyed, including the homes and property of the 46 Romani individuals living there. Eyewitnesses also reported that a flyer had been posted before the attack, calling on residents to “clean up” the area of Roma. Local media and eyewitnesses confirmed that a public official, the president of the fifth district, was present at a demonstration that preceded the violence.

32. In May 2010, in the course of a residents’ protest against the closure of camp Via Triboniano, law enforcement officials closed all exits of the camp and fired tear gas into it. The action took place in the context of a stand-off between police and residents. The exits were apparently closed to prevent the Romani residents from joining a march on city hall to claim the alternative housing that authorities had promised. According to Human Rights Watch, during this event, police officers surrounded and physically abused a Romani woman without provocation.<sup>46</sup>
33. In research carried out in 2011 by the ERRC and partners, 26% of Romani women respondents reported suffering abuses by police including physical violence, degrading treatment, racist remarks during violent attacks and sexual harassment;<sup>47</sup> the majority of the incidents happened in Rome.
34. In November 2010 in Milan, a police officer assaulted three Romani women, one of whom was three months pregnant. A shop assistant accused one of the three women of shoplifting and police were called to the scene. On arrival, a police official asked them to check their bags and after not finding any stolen goods proceeded to slap, punch and kick the women in their heads and other body parts while inside the shop. Subsequently, the women were charged for resisting arrest. Despite the submission of a medical report, the beating reportedly was not taken into account in court during the women’s trials. Anticipating a conviction, the women’s (state-appointed) lawyers encouraged the Romani women to plead guilty, in order to earn a minimal custodial sentence.<sup>48</sup>
35. According to Italian lawyers and NGOs, widespread discrimination and frequent incidents of hate speech from public officials perpetuate an environment in which anti-Roma violence persists, without recognition or condemnation. Widespread racial prejudice against Romani people by public authorities including law enforcement officers and judges creates a disincentive for Roma to report violent incidents and file complaints. Violent actions against Roma may be fuelled and legitimised by the increasingly hostile and biased language adopted by local politicians and the mass media, particularly at the time of elections. For example, in February 2011, Tiziana Maiolo (of political party FLI), and former town councillor of Milan, said “it is easier to educate a dog than Roma. [...] They hate us; they look at us for the opportunity to take advantage of us and to steal something from us. [...]”<sup>49</sup> She subsequently apologised for her statement; but according to her “the problems remain”.<sup>50</sup>
36. During his visit in May 2011, Thomas Hammarberg, Commissioner for Human Rights of Council of Europe was shocked at the widespread presence of electoral material – notably posters on walls and vehicles - warning against the risk of the Milan turning into a “Gypsy town” (*zingaropoli*). Commissioner Hammarberg further commented that even outside election periods, anti-Roma attitudes have regrettably continued to taint political speech on many occasions.<sup>51</sup>

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<sup>46</sup> Human Rights Watch, *Everyday Intolerance, Racist and Xenophobic Violence in Italy*, available at: <http://www.hrw.org/en/node/97231/section/1>.

<sup>47</sup> ERRC, Idea Rom Onlus and Opera Nomadi, Parallel submission to the Committee on the Elimination of all Forms of Discrimination against Women on Italy under Article 18 of the Convention on the Elimination of all Forms of Discrimination against Women for its consideration at the 49th session 11 to 29 July 2011 concerning the situation of Romani women in Italy (June 2011), available at <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf>

<sup>48</sup> Email interview with Gilberto Pagani, 6 May 2011. For more information: Everyone Group NGO, available at: [www.everyonegroup.com/downloads/testimony28112010.mp4.zip](http://www.everyonegroup.com/downloads/testimony28112010.mp4.zip).

<sup>49</sup> MilanoToday, *E’ più facile educare un cane che un Rom*, 09/02/2011, available at: <http://www.milanotoday.it/politica/maiolo-piu-facile-educare-cane-di-rom.html>.

<sup>50</sup> MilanoToday, *Educazione rom, la marcia indietro della Maiolo (FlI): “Frases infelice”*, 09/02/2011, available at: <http://www.milanotoday.it/politica/educare-rom-scuse-maiolo-9-febbraio-2011.html>.

<sup>51</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy from 26 to 27 May 2011, 7 September 2011, available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1826921>

## Access to healthcare

37. Romani persons, particularly women, face a number of difficulties when accessing health care. In 2008, Save the Children Italy reported that 70% of Romani women did not have access to health care as guaranteed by the National Health Service due to their legal status, lack of information about their rights and misinformation about how to access to health-care services.<sup>52</sup>
38. The ERRC and partners conducted research for a CEDAW submission in 2011.<sup>53</sup> Nine respondents (out of 88 Romani women interviewed) reported that they were not able to access healthcare services at all. Of 37 respondents who clarified which health care services they use: 15 (41%) used only emergency facilities, seven (19%) relied primarily on emergency care and occasionally visited a family doctor, four (11%) visited a family doctor and 11 (30%) made use of all available health care services.
39. Incidents of perceived discriminatory and degrading treatment were reported by Romani women interviewed during research with respect to healthcare. Twenty-two of 45 (49%) women that responded to such questions reported differential treatment, particularly in access to emergency healthcare, between Romani and non-Romani patients.
40. Romani women reported various types of discriminatory treatment by medical personnel, including longer waits than Italian patients, the use of gloves, the opening of windows at their entrance, inadequate explanations about their conditions and medication and blaming mothers for their children's illnesses (for example, when they are bitten by mice in substandard housing).
41. When I am in the hospital, if there are Italians, doctors tell me wait! So I have to wait just because I am Romani. Once I took my child to the hospital, as I do not have a family doctor. My child cut himself and had lost a lot of blood, but another child with his mother was allowed to enter even though we arrived earlier and my son was covered in blood. Now what is more serious: a terrible cut or a cold?<sup>54</sup>
42. At times other patients are responsible for the discriminatory treatment of Romani patients and medical staff tolerates or encourages such behaviour. For example, it has been reported that at a maternity ward in a hospital in Pisa some non-Romani women have refused to share rooms with a Romani woman in labour and nurses facilitated separate spaces.<sup>55</sup>
43. During research, Romani women reported that the cost of medicine is prohibitive for those who are not entitled to free medical care. Therefore doctors may prescribe medicine but the patients cannot afford to buy it and treat their illness.

## 44. Recommendations

The Submitting Organisations make the following recommend to the Italian authorities:

With respect to implementing the recent judgment of the Council of State:

- Immediately cease all measures undertaken in accordance with the extraordinary powers granted by the State of Emergency, including: illegal forced evictions, identity checks and the control of access and behaviour in formal camps;
- Stop the use of public funds and resources for the construction of new formal camps, which deepen segregation, but rather work to decrease the segregation of Roma in Italy, ensuring them access to adequate, integrated housing; and

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<sup>52</sup> Save the Children, *La salute delle madri Rom*, available at:

[http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id\\_object=47&id\\_category=35](http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id_object=47&id_category=35).

<sup>53</sup> The submission was based on participatory field research conducted by the ERRC and three Romani researchers between February and May 2011 in Turin, Rome and Reggio Calabria. Researchers conducted in-depth interviews with 88 Romani women identified through snowball sampling. The submission also took into account information from the partners, other grassroots organisations, follow-up interviews by the ERRC and desk research.

<sup>54</sup> Interview with a 24-year-old Romani woman. Reggio Calabria, Italy: 28 March 2011

<sup>55</sup> ENAR, Shadow Report 2008, Racism in Italy (2008), available at: <http://cms.horus.be/files/99935/MediaArchive/national/Italy%20-%20SR%202008%20-%20IT.pdf>.

- Destroy all records of personal data, including fingerprints and photographs collected through the ethnically-motivated census actions in June – October 2008 and February and March 2009, according to EU data protection guidelines.

Concerning housing conditions and the problem of evictions:

- Adopt a national action plan addressing the situation of Roma, by means of a co-ordinated policy aimed at promoting integrated and adequate housing in consultation with Romani and Sinti organisations;
- Establish, monitor and enforce conditions on the use of all housing related funds, including prohibiting the use of funding to create new segregated housing such as camps;
- End forced evictions and improve the conditions of Roma living in temporary shelters;
- Compensate Roma who have been evicted for personal property damaged or destroyed in prior eviction actions;
- Implement complex housing, employment, education and health projects to promote real inclusion of Roma; and
- Improve without delay the conditions of Roma living in formal camps, including providing free school buses for all the children enrolled in schools.

Concerning Data Collection:

- Ensure no further census activity targeted at an ethnic group is carried out in Italy;
- Destroy all records and information illegally obtained during the State of Emergency in compliance with EU data protection guidelines; and
- Proactively support persons without identity documents to regularise their status, including providing support to stateless persons, in accordance with international guidelines such as the International Convention relating to the Status of Stateless Persons.

Concerning education:

- Refrain from conducting forcible evictions, which disrupt children's ability to attend school;
- Ensure family unity in all offers of alternative accommodation;
- Provide transportation and material support to Roma and Sinti children that enables them to attend school for a full day and facilitates involvement in extracurricular activities;
- Offer additional Italian language courses for any students that need additional language support which are not disruptive to school, but facilitate the students' integration into mainstream classes; and
- Organise integrated activities and programmes to encourage Romani and non-Romani students to work together and learn about one another.

Concerning hate speech and violence:

- Publicly condemn all forms of racist violence and use of racist and xenophobic speech against members of the Romani community by public and/or private actors and guarantee Roma physical security and free access to legal aid, when needed;
- Sanction law enforcement officials that violate rules of procedure and threaten the rights and dignity of Roma during searches, arrests and interrogations of suspects;
- Establish an independent police complaints body to investigate all allegations of human rights violations by law enforcement personnel;
- Re-establish adequate penalties against incitement to racial discrimination and violence;
- Promote positive images of Roma among the general public;
- Effectively and proactively implement the anti-discrimination law in Italy; and
- Regularly conduct anti-discrimination trainings for public sector employees and include anti-discrimination training in relevant university curricula to end stereotypes and discrimination against Roma.