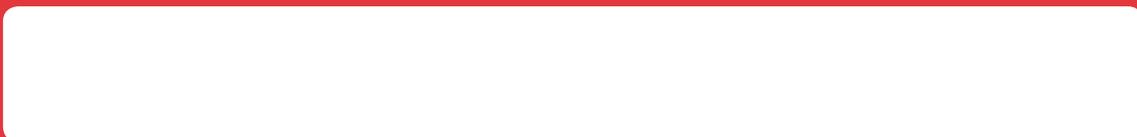


# WRITTEN COMMENTS

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING ITALY

For Consideration by the European Commission on the Transposition and Application of the Race Directive and on the Legal Issues Relevant to Roma Integration.



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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**Italy**

## CASE REVIEW: ITALY

This submission focuses on the situation of Roma in Italy and shortcomings in the transposition and implementation of the Race Equality Directive, which has particular impact on Roma. This review includes broader elements of the anti-discrimination framework in Italy, but does not purport to be comprehensive.

### 1 TRANSPOSITION OF RED INTO DOMESTIC LEGISLATION

#### 1.1 GENERAL FRAMEWORK ON PROHIBITION OF DISCRIMINATION OR INCITEMENT TO DISCRIMINATION

Italy's overarching anti-discrimination provision is in Article 3 of the Italian Constitution stating that "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, and political opinions, personal and social conditions." The provision includes explicitly positive obligation on the State: "It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby, impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country".

Legislation prohibiting discrimination was issued in Italy in order to implement international conventions.<sup>1</sup> Further more Article 44 of Act 40/1998<sup>2</sup> instituted a specific civil action against discrimination based on race, colour, descent, national or ethnic origin and religious belief in all instances where either a private entity or a public body has caused discrimination.<sup>3</sup>

In the Italian legal system, specific laws criminalise any manifestation of thoughts aiming at propagandising ideas founded on racial or ethnic superiority or hatred and at inciting to commit acts of discrimination or violence for racial, ethnic or religious reasons. Therefore political debates, which present racist or xenophobic arguments and which are considered to have a criminal intent, are subject by law to the examination by a criminal court and may constitute a crime. As a case in point, Article 3 of Law 654/1975 which ratifies and implements the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>4</sup> as amended by the Decree Law 122/1993, penalises anyone who supports organisations or groups which aim to solicit discrimination from the above-mentioned reasons.

The Additional Protocol to the Convention on Cybercrime, which Italy signed on 9 November 2011,<sup>5</sup> also penalises the dissemination of any written material, any image or any other representation of ideas or theories, which advocate, promote or incite hatred, discrimination or violence committed through computer systems.

The so called "Mancino Law", in fact law 205/1993, is to be used against inciters of violence, racial ethnic and religious discrimination. It also makes it a crime to "instigate in any way or commit violence or acts of provocation to violence for racist, ethnic, national or religious motives" and to "propagate ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives". Article 3 of this law allows judges to increase the sentence to be imposed for a crime, by up to half, if it was committed "with the purpose of discrimination or hatred based on ethnicity, nationality, race, or religion, or in order to facilitate the activity of organizations, associations, movements, or groups that have this purpose among their objectives."

1 European Network of Legal Experts in the Non-discrimination Field, Report on measures to combat discrimination, Directives 2000/43/EC and 2000/78/EC, Country Report Italy, (Racial Discrimination Act 654 of 13 October 1975, amended by the Act of 20 May 1993 and Article 13 of Act no. 85/2006), report available at: [http://www.non-discrimination.net/content/media/2011-IT-Country%20Report%20LN\\_final.pdf](http://www.non-discrimination.net/content/media/2011-IT-Country%20Report%20LN_final.pdf).

2 *Ibid*, Decreto legislativo 25 luglio 1998, n. 286 Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero (in Gazzetta Ufficiale no. 191, 18 August 1998 - S.O. no. 139).

3 *Ibid*, page 4.

4 International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 March 1966) available at: <http://www.un.org/millennium/law/iv-2.htm>.

5 Additional Protocol to the Convention on Cybercrime, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/189.htm>; Italy signed in 2011, but it has not yet been ratified or entered into force.

## 1.2 THE ITALIAN ANTI-DISCRIMINATION LAW

As to specific transposition of the Race Equality Directive, that implemented with Decree 215/2003 of 9 July 2003. Following the European Commission's opinion in June 2007,<sup>6</sup> which raised concerns regarding the burden of proof, the limited protection against victimisation and the incorrect definition of racial harassment, in June 2008 the Italian Parliament modified the Decree 215/2003.<sup>7</sup>

Italy thus has an anti-discrimination law providing in line concepts with the Race Directive regarding direct and indirect discrimination, harassment, victimisation or instruction to discriminate. However, its implementation is a cause for serious concern. This is due, in part, to the slowness of Italian justice system,<sup>8</sup> the lack of political will and the lack of financial resources assigned to those institutions, such as UNAR.<sup>9</sup> These factors make it almost impossible to assure a full and correct implementation of anti discrimination legislation in practice.

## 2 ITALIAN EQUALITY BODY: UNAR

### 2.1 ESTABLISHMENT OF THE ITALIAN EQUALITY BODY AND LACK OF INDEPENDENCE

The Office for the Promotion of Equal Treatment and Removal of Discrimination based on Race or Ethnic Origin (UNAR), the Italian equality body, was established by the Decree 215/2003 of 9 July 2003 when it transposed the Race Equality Directive within the Presidency of the Council of Ministers, Department of Equal Opportunities.

UNAR was set up within the Department for Equal Opportunities of the Presidency of the Council of Ministers, and is directed by a person appointed by the President of the Council of Ministers or by a Minister on his/her behalf. The 215 Decree states in Article 2 that UNAR shall act 'with full autonomy of judgment and in conditions of impartiality' but in practice it is not an independent body, as UNAR is part of the Government<sup>10</sup> For example, expert reports indicate that changes of Government lead to changes in key staff of UNAR.<sup>11</sup>

### 2.2 LIMITATIONS OF THE UNAR'S MANDATE

The UNAR office, located in Rome, is tasked to promote the principle of equality of treatment between people, to overview the efficiency of anti discrimination laws and institutions and to contribute to removing any race or ethnicity based discrimination. UNAR activities include providing assistance to victims of discrimination, promoting surveys and research in this field and working with civil society actors to take positive actions to eliminate all forms of discrimination.

UNAR can not be considered a quasi-judicial institution, nor can it issue sanctions, has no standing to litigate on behalf of victims of discrimination, and can just provide external assistance before and during litigation.

In the second half of 2009, following a thorough self-assessment, UNAR moved away from its initial isolationist and self-sufficient approach towards a more dynamic and less bureaucratic interpretation of its role, towards

<sup>6</sup> EC, Race and Ethnic Origin Directive, list of Member States to which a reasoned opinion will be sent, Brussels 27 June 2007, available at: [http://www.diritto.it/pdf/24533\\_1.pdf](http://www.diritto.it/pdf/24533_1.pdf).

<sup>7</sup> Decree 215/2003, 9 July 2003, available at: [www.camera.it/parlam/leggi/081011.htm](http://www.camera.it/parlam/leggi/081011.htm).

<sup>8</sup> Report by Nils Muznieks, European Commissioner for Human Rights, following his visit to Italy from 3 to 6 July 2012, available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2143096&SecMode=1&DocId=1926434&Usage=2>.

<sup>9</sup> ERRC, Italy – Gaps between policy and practice as concerns the inclusion of Roma, Sinti and Caminanti, available at: <http://www.errc.org/cms/upload/file/italy-letter-housing-31-july-2012-en.pdf>.

<sup>10</sup> European Network of Legal Experts in the Non-discrimination Field, Report on measures to combat discrimination, Directives 2000/43/EC and 2000/78/EC, Country Report Italy, (Racial Discrimination Act 654 of 13 October 1975, amended by the Act of 20 May 1993 and Article 13 of Act no. 85/2006), report available at: [http://www.non-discrimination.net/content/media/2011-IT-Country%20Report%20LN\\_final.pdf](http://www.non-discrimination.net/content/media/2011-IT-Country%20Report%20LN_final.pdf).

<sup>11</sup> *Ibid*, page 68.

greater collaboration with local authorities, NGOs, Roma Sinti and Caminanti communities, social parties and the civil society itself. UNAR's remit has been extended to cover every form of discrimination thanks to a wide interpretation of its tasks provided for in Article 7 of Decree No. 215/2003. The proposal to extend UNAR's powers was advanced by UNAR itself in its first report to Parliament, and this was realised in ministerial instructions given to UNAR in 2010.<sup>12</sup>

UNAR led the development of the Italian strategy on roma in 2011 and was appointed as the National Focal Point for the inclusion of RSC.<sup>13</sup> However, in 2012, UNAR's staff was significantly reduced, undermining its capacity to fulfil its duties in the implementation of the National Strategy.<sup>14</sup>

## 3 THE ITALIAN STRATEGY ON ROMA

### 3.1 THE ROMA IN ITALY AND "THE NOMAD STATE OF EMERGENCY"

There is no reliable data in Italy on the number of Roma living in the country and on their socio-economic situation. These impacts negatively on the development of appropriate policy responses to the problems faced by Roma.<sup>15</sup> There are estimated to be approximately 110,000 to 180,000 Roma are present, representing about 0.23% of the total population. Half of them are under 16 years old and only 0.3% is older than 60 years old.<sup>16</sup>

About 70,000 of the estimated Roma population are Italian citizens; about 90,000 are from the countries of the former Yugoslavia; and the rest of them are from other European Union countries, chiefly Romania and Bulgaria remainder. These figures are higher if we consider the non – regular Roma.<sup>17</sup> There are also many stateless persons among the Roma in Italy, originally from former Yugoslavia. Their status is extremely precarious with problems including access to housing, health care, employment and education.

The most fundamental indication of the status of Roma in Italy and Italy's failure to recognise and apply anti-discrimination provisions in Italy has to have been the saga of its "Nomad" State of Emergency and legal challenges thereto.

On 21 May 2008, the Italian government issued a decree declaring the "Nomad State of Emergency". This extraordinary measure was the response of Italian government against the so-called "Roma problem". The State of Emergency led to evicting Roma forcibly and relentlessly, excluding them from education and have them fingerprinted, segregated, harassed and expelled, thus violating their rights to adequate housing, education and privacy.

Aside from stereotyping or discriminating Roma, the effects of the State of Emergency had a negative impact on the everyday life of Roma. The ERRC first challenged this decree on 29 July 2008, claiming that it was illegal (and) discriminatory. After a legal battle in the lower courts which curbed the State of Emergency to some extent, but did not ban the Decree or most of the damaging activities undertaken under it, the ERRC appealed to the Council of State. On 4 November 2011, the Council of State declared the State of Emergency illegal. However – despite finding some instances of discrimination – it missed an important opportunity to make a judicial finding of discrimination.

<sup>12</sup> *Ibid*, page 68.

<sup>13</sup> UNAR, *Costituzione Punto di Contatto Nazionale Rom*, available at: [http://2.114.23.93/unar/\\_image.aspx?id=0daec7ea-fc2f-4f86-99a9-b43bf371abae&sNome=Costituzione%20Punto%20Contatto%20Nazionale%20Rom.pdf](http://2.114.23.93/unar/_image.aspx?id=0daec7ea-fc2f-4f86-99a9-b43bf371abae&sNome=Costituzione%20Punto%20Contatto%20Nazionale%20Rom.pdf).

<sup>14</sup> ERRC, *Italy's forced evictions of Roma undermine National policy commitments*, July 2012, available at: <http://www.errc.org/article/italys-forced-evictions-of-roma-undermine-national-policy-commitments/4032>.

<sup>15</sup> Senato della Repubblica, Commissione Straordinaria per la Tutela e la promozione dei Diritti Umani, *Rapporto conclusivo dell'Indagine sulla condizione di Rom, Sinti e Camminanti in Italia*, 9 February 2011, available at: <http://www.senato.it/documenti/repository/commissioni/dirittohumani16/Rapporto%20conclusivo%20indagine%20rom,%20sinti%20e%20caminanti.pdf>.

<sup>16</sup> UNAR, *Strategia Nazionale d'inclusione dei rom, dei sinti e dei caminanti*, 24 February 2012, available at: [http://2.114.23.93/unar/\\_image.aspx?id=bfc9506-da4b-4583-a85e-223a8f6d93a1&sNome=UNAR%20LIBRO%20STRATEGIA%20ROM%20SINTI%20ING.pdf](http://2.114.23.93/unar/_image.aspx?id=bfc9506-da4b-4583-a85e-223a8f6d93a1&sNome=UNAR%20LIBRO%20STRATEGIA%20ROM%20SINTI%20ING.pdf).

<sup>17</sup> *Ibid*.

In addition, the Italian government, on 15 February 2012, appealed this decision before the Court of Cassation<sup>18</sup> for abuse of judicial power, an argument which has not been used by the government in the course of the previous proceedings. The Court of Cassation heard the case on 26 March and a decision is expected to be released in April or May 2013.

### 3.2 THE NATIONAL ROMA INTEGRATION STRATEGY (NRIS)

On 24 February 2012, the Italian government approved the National Roma Integration Strategy (NRIS). According to it, it is necessary to promote equal treatment and economic and social inclusion of Roma, Sinti and Caminanti.<sup>19</sup> The Strategy acknowledges that the measures undertaken under the State of Emergency proved to be ineffective, costly and harmful and, as said before, clearly aims at overcoming the emergency approach towards the Roma community. At the end of 2012 the NRIS still remains largely unapplied in the country. The Strategy does not pay adequate attention to the discrimination suffered by Roma in Italy and especially the fact that their situation is the historical consequence of long-term discrimination.

The Italian government filed an appeal against the Council of State's decision on the illegality of the State of Emergency in the very same month,<sup>20</sup> which severely undermines the acknowledgement in the NRIS that the measures undertaken under the State of Emergency proved to be ineffective, costly and harmful.

The ERRC considers that the NRIS does not pay adequate attention to anti-discrimination measures in relation to its four main areas: education, employment, health and housing. Discrimination is mentioned in the strategy; but there is no dedicated section on it and notably no recognition of the significance of long-term discrimination to the general situation of Roma. Violence against Roma is only mentioned in passing and the phenomenon of anti-Gypsyism is only indicated on a descriptive basis. It does not mention the concepts of direct, indirect and multiple discrimination suffered by Roma and does not provide for specific budget lines to deal with anti-discrimination measures.

In August 2012, new rules came into force that allow the forced expulsion from Italy of European citizens who do not meet the requirements of the European directive on freedom of movement and have not complied with the order to leave the country by a certain date. Some concerns have been expressed that such rules can be applied in a discriminatory manner and pave the way to selective expulsion of persons belonging to specific ethnic minorities, particularly Roma.<sup>21</sup>

A year after its adoption, at the beginning of 2013 the NRIS has not been implemented in any meaningful way in most parts of the country and, more generally, in practice nothing changed for Roma people living in Italy, with evictions still on the rise and still lacking any eviction order or prior consultation, with ethnically segregated camps still being built and Roma being relocated into those without being offered any viable housing alternative.

## 4 DISCRIMINATION AGAINST ROMA IN ITALY

Roma in Italy face discrimination, in all areas under Article 3 of RED. In Italy, reports from international and local civil society, governmental figures and academics confirmed a climate of racism and cases of discrimination and violence which are on the rise. The policy of forced evictions is still ongoing with local authorities announcing their intention to continue with the practice of evicting Roma especially from informal camps. Only a few municipalities, including Milan, are drafting plans for Roma.

18 Redattore Sociale, *Per il governo è ancora "Emergenza Nomadi". Ricorso contro il Consiglio di Stato*. Available at: <http://www.redattore sociale.it/ DettaglioNotizie.aspx?idNews=389927>.

19 *National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities- European Commission Communication No. 173/2011*, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_italy\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf).

20 Amnesty International sezione Italiana, *Europa e Asia Centrale. Italia 2012*, available at <http://rapportoannuale.amnesty.it/sites/default/files/Italia.pdf>.

21 *Ibid.*

## 4.1 ACCESS TO AND SUPPLY OF GOODS AND SERVICES, INCLUDING HOUSING

For decades the so-called “nomad camps” have been the only living solution for Roma (despite the fact that only around 3% of Roma are fully or partially itinerant). Camps are often without access to potable water, power and sewage, accommodation is usually overcrowded and camps are generally located on the periphery of cities and towns. According to FRA report, Italy has one of the highest percentages of Roma per room.<sup>22</sup> The Italian NRIS affirms the necessity to overcome the camps for “nomads” because they are a place of degradation.<sup>23</sup> The strategy provides a plurality of solutions that meet the real needs of the Roma. Nevertheless a new “mega camp”, called La Barbuta, close to Rome’s out-of-town airport, Ciampino, was opened in Rome in June 2012 where approximately 650 Roma, coming from semi formal settlements, have been taken. The ERRC has joined Italian NGOs in challenging the legality of this segregated camp and relies on anti-discrimination legislation, amongst others. Through these efforts, the forced relocation of Roma to La Barbuta was halted by the courts once (4 August 2012), but restarted following appeal (on 4 September). In March 2013 it is expected that the Civil Court of Rome will reach a final decision not only on the legitimacy of the relocation of La Barbuta; but also on discrimination and ethnic segregation in similar formal settlements built by Italian authorities.<sup>24</sup> This case is a litmus test for judicial application of anti-discrimination law and reaction to the segregation of Roma in camps resulting in major barriers to access education, employment and health care. La Barbuta is only one in the 13 authorised “mega camps” in the outskirts of Rome planned in the city’s 2009 “Nomad Plan”.

Via Salone 323 is the largest settlement in Rome and it was the pilot camp where the innovations of the Nomads plan were tested. It demonstrates the results of the policy adopted by the municipality toward the Romani communities.<sup>25</sup> 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. 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. 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. According to local NGOs 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,<sup>26</sup> four people should live in at least 56 square metres. It is impossible for inhabitants to enjoy normal daily activities, such as sleeping, eating and studying, in such a limited space. The increase of the camp population has caused deteriorations in living conditions too. 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.

Roma in Rome are often moved from a camp, generally semi-formal, to another one without their agreement or because they do not have any other options. In October 2012 Roma from the former semi formal camp of Tor de Cenci were moved to the Castel Romano formal camp.<sup>27</sup>

Between April 2011 and December 2012, the ERRC recorded about 263 evictions in Italy, which is not to be considered as a comprehensive total but as a sample of cases which the ERRC has received information about. Italian Authorities consistently violate housing rights in the process of evicting Roma.

In informal camps, ERRC research found that evictions are conducted by law enforcement officials, disregarding 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. Furthermore, the Italian municipalities, in some cases, have reduced but not stopped the evictions. Families living in informal camps were persistently evicted without respect for the protections prescribed by international standards: residents are not

22 European Union Agency of Fundamental Rights, *The situation of Roma in 11 EU member states. Survey results in a glance*, p. 22.

23 UNAR, *Strategia nazionale di integrazione dei rom, dei sinti e dei caminanti*, p. 84.

24 ERRC, Italian Courts Must Respect Human Rights in Ruling on Relocation of Roma, 7 November 2012, available at: <http://www.errc.org/article/italian-courts-must-respect-human-rights-in-ruling-on-relocation-of-roma/4070>.

25 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%20\\_E\\_AMMASSATI.pdf](http://www.21luglio.com/ESCLUSI%20_E_AMMASSATI.pdf).

26 Municipality of Rome, *Regolamento Generale Edilizio del Comune di Roma*, available at: <http://www.comune.roma.it/was/repository/ContentManagement/node/P138069942/regolamento%20edilizio%20di%20roma.pdf>.

27 ERRC interview, Rome, 17 October 2012.

consulted prior an eviction, do not receive formal eviction orders which make difficult to challenge legally the eviction and are not offered alternative accommodation, which forces them into an endless cycle of evictions.<sup>28</sup> Media report some violent attacks by law enforcement in occasion of evictions. For instance, on 6 April 2012 during an eviction in Pisa, a local police officer slapped a Romani boy of 15 years old and pushed a Romani woman who had a one year old baby in her arms.<sup>29</sup> 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>30</sup>

When available, the shelter spaces run by the municipality were offered only to women and children, forcing families to split up. More rarely the whole family could be hosted in structures but without well developed plans which give adequate time to get residents into other forms of regularly-available housing. For example in Milan's shelter, called Barzaghi, Romani families have hosted since July 2012.

One of the difficulties for Roma in leaving camps is the requirements for accessing social housing, which clearly discriminate against Roma in camps. Although camps are theoretically temporary, Roma in Rome have been told that they will not qualify for social housing. A Public Notice was published by the municipality of Rome on 31 December 2012, saying that the maximum score (category A1) for access to social housing would be granted to those in "greatly disadvantaged housing conditions", including families living "in centres, public dormitories or any other appropriate structures temporarily provided by entities, institutions and recognised and authorised charitable organisations dedicated to public assistance". Roma momentarily thought that this would improved their chances to access social housing; but the Public Notice was swiftly followed by an internal circular, issued on 18 January 2013 by the Municipality of Rome, saying that "nomad camps" cannot be considered as matching the situation described in Category A1, as they should be regarded as "permanent structures".

## 4.2 EDUCATION

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. 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.<sup>31</sup>

Many municipalities throughout Italy support education projects including bussing children from camps to schools, mediation between schools and families, supporting learning at school and after school, and promoting the involvement of Romani parents in the educational careers of their children. However the data from the school years 2007/2008 to 2010/2011 shows no positive impact on the education of children. For example in the 2011 pupils who attended high school were only 158, a value that is even lower than the figure from the last four year (in 2007/2008 there were 181 Romani pupils). This means that in Italy one Romani child out of one thousand has the probability to access high school.

The causes of school drop out of Roma children are many and complex: economic and social exclusion due to discrimination in housing and employment determine poverty which impact on the school life of the children due to lack of necessary school equipment, feelings of shame and the need to work to contribute financially to the family's survival. The evictions, carried out without offering adequate alternatives to the inhabitants, often abruptly interrupt the schooling of these children. The distance between the camps and the schools in the cities

28 Italy is legally obliged to respect, protect and fulfill the right to adequate housing, including a prohibition on forced evictions according to the United Nations (UN), *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, available at: <http://www2.ohchr.org/english/law/cescr.htm> and the United Nations, *International Covenant on Civil and Political Rights (ICCPR)* available at: <http://www2.ohchr.org/english/law/ccpr.htm>.

29 Pisa Notizie.it, "Sgomberate dall'immobile dell'Asl, le famiglie ritornano nell'ex-convento", 7 April 2012, available at: [http://pisanotizie.it/news/news\\_20120407\\_sgombero\\_rom\\_ex\\_dipartimento\\_salute\\_mentale\\_fрати\\_bigli.html](http://pisanotizie.it/news/news_20120407_sgombero_rom_ex_dipartimento_salute_mentale_fрати_bigli.html).

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

31 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, available at: <http://www.errc.org/cms/upload/file/italy-cerd-submission-27-january-2012.pdf>.

and the poor connections to public transportation make regular attendance difficult.<sup>32</sup> As a consequence, many Romani children are left behind in school or are illiterate.

According to local NGOs, Italian authorities are often indifferent to school absenteeism of Romani children. 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. Research on women shows that discriminatory treatment of Romani children by school personnel and classmates is reported in Italy and negatively affects the self-esteem and development of Romani girls.<sup>33</sup>

On 31 October 2011 the Committee on the Rights of the Child said it was concerned about the discrimination against Roma and recommended the authorities developed a national action plan for the genuine social integration of Roma in Italian society, taking due consideration of the vulnerable situation of Romani children, in particular in relation to health and education and measures to address harmful practices such as early marriage.<sup>34</sup>

### 4.3 HEALTHCARE AND EMPLOYMENT

Discrimination has a negative impact on Roma also in regard to health. Prejudices, together with lack of knowledge and communication barriers, affect the health of the Roma who, in general, have poorer health than immigrant groups. These conditions are negatively impacted by the stress caused by exclusion and prejudice and the difficult access to adequate housing conditions, employment and equal opportunities in general. Roma have a life expectancy of nine years less than the majority of society because of the exclusion they are forced to live.

Research published by the Italian Red Cross in 2011 found that out of 4,927 individuals they interviewed, only 2.81% of the Romani population was 60 years old or older, which is well below the average life expectancy in Italy. According to research conducted by Naga: 95% of the Romanian Roma living in camps in Milan are not registered with the National Health Service nor by another health service.<sup>35</sup> During 2011 ERRC research, 41% of Romani women interviewed rely exclusively on emergency services and are subject to discriminatory treatment by hospital employees and other patients, including inadequate explanations about their conditions and medications.<sup>36</sup> In the same 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.

Research studies conducted in 2011 in formal camps have revealed that a high percentage of children raised in such deprived environments are prone to a number of severe and debilitating conditions. These can include anxiety disorders, a number of different phobias, sleep disorders, attention and hyperactivity disorders and delays in learning; disorders which “are also predictive of more serious disorders in adolescence and adulthood.”<sup>37</sup> They are also affected by a variety of childhood diseases: skin diseases, psychological distress, abdominal disorders, respiratory, low weight and stunted growth.<sup>38</sup> Evictions from formal, semi formal and informal camps constitute a major problem for the mental and physical well-being of Romani children. During the evictions of some of the larger informal camps in Milan, local policemen have threatened to remove children from the custody of their parents in order to speed up the process of the forced eviction.<sup>39</sup>

32 Elena Rozzi, *Discriminazioni dei minori rom e sinti rispetto al diritto di istruzione: uno sguardo socio-giuridico*, Conference “La condizione giuridica di rom e sinti in Italia”, June 2010.

33 ERRC, Idea Rom Onlus and Opera Nomadi, *Parallel submission to the Committee on the Elimination of all Forms of Discrimination against Women on Italy*, June 2011.

34 United Nations Committee on the Rights of the Child issued recommendations concerning Romani children to the Italian government, 31 October 2011, available at: <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.ITA.CO.3-4.doc>.

35 NAGA, *Sociodemographic and health conditions of the Roma’ population in Milan*, 2011, available at: [http://www.epiprev.it/sites/free/1114\\_EP5-6\\_282\\_art4\\_full.pdf](http://www.epiprev.it/sites/free/1114_EP5-6_282_art4_full.pdf).

36 ERRC, Idea Rom Onlus and Opera Nomadi, *Parallel submission to the Committee on the Elimination of all Forms of Discrimination against Women on Italy*.

37 Associazione 21 Luglio *Esclusi e ammassati Report on the living condition of Roma minors in the camp in Via Salone*, Roma 2010, available at: [http://www.21luglio.com/ESCLUSI%20E\\_AMMASSATI.pdf](http://www.21luglio.com/ESCLUSI%20E_AMMASSATI.pdf).

38 Lorenzo Monasta, *La condizione di salute di persone rom e sinti nei campi nomadi*, Conference “La condizione giuridica di rom e sinti in Italia”, June 2010.

39 European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

Prejudice and negative stereotypes towards Roma, Italians or not, form a key structural obstacle to their employment.<sup>40</sup> According to FRA report “the number of Roma saying that they are unemployed is at least up to four to five times than the number of non-Roma” and “the largest shares of discrimination experiences are among Roma in Italy and the Czech Republic”.<sup>41</sup> An ERRC research showed that in 2011 levels of unemployment, underemployment and employment in the informal sector are disproportionately higher among the Romani women surveyed than among Italian women, with 48% of Romani women respondents reporting ethnic discrimination as the main obstacle to obtaining a job.<sup>42</sup> ERRC field research underlined that Roma often have to hide their identity in order to get a job, and generally they are employed on an irregular and low-paid basis.

40 European Union Agency of Fundamental Rights, *The situation of Roma EU citizens moving to and settling in other EU Member States*, November, 2009, available at: [http://fra.europa.eu/fraWebsite/attachments/ROMA-Movement-Comparative-report\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/ROMA-Movement-Comparative-report_en.pdf).

41 European Union Agency of Fundamental Rights, *The situation of Roma in 11 EU member states. Survey results in a glance*, 2012, available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/2099-FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf).

42 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>.