



Associazione 21 Luglio

**Submission to the UN Universal Periodic Review
Concerning Italy**

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Associazione 21 Luglio
Via Bassano del Grappa 24, 00195, Rome
www.21luglio.org

Associazione 21 luglio is an independent non-governmental organization committed to the promotion of Roma and Sinti rights in Italy, mainly through the protection of children's rights and the fight against any form of discrimination. Its main activities are human rights research and advocacy, human rights education and strategic litigation. Associazione 21 Luglio was established in Rome on 6 April 2010. It is registered in the National Anti Discrimination Office's register of anti-discrimination organizations. Associazione 21 luglio is also member of: European Roma Information Office (ERIO), FRA's Fundamental Rights Platform (FRP), Gruppo CRC (Working Group for the Convention on the Rights of the Child) and Associazione Carta di Roma.

This submission highlights the different aspects of discrimination faced by Roma and Sinti in Italy, focusing on discriminatory policies, measures and practices which continue to keep Roma and Sinti trapped in a vicious cycle of poverty and social exclusion.

1. Background and normative and institutional framework

According to the most recent estimates, approximately 150.000 Roma and Sinti live in Italy, constituting about 0,25% of the total population¹, and about 60% of them are minors². While about half of the Roma and Sinti in Italy hold Italian citizenship, according to estimates there are at least 15.000 Roma who are in a *de facto* statelessness condition, which prevents them to enjoy a wide range of fundamental rights³. A crucial factor further complicating the design and implementation of effective inclusive policies is the substantial lack of disaggregated data regarding the Roma and Sinti communities living in Italy⁴.

1.1 The Regional laws

Since 1984⁵ some Italian Regions, in lack of a broader national legislation, started to adopt laws aimed at the "protection of nomadic cultures". These laws were underpinned by the

¹ Council of Europe, Estimates and official numbers of Roma in Europe, July 2012.

² Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Concluding Report of the Investigation on the Conditions of Roma, Sinti and Camminanti in Italy, 9 February 2011, p. 19 and p. 45.

³ Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Concluding Report of the Investigation on the Conditions of Roma, Sinti and Camminanti in Italy, 9 February 2011, p. 23.

⁴ This lack of data has been highlighted also by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, by the EU Fundamental Rights Agency and by the Committee on the Elimination of Racial Discrimination.

⁵ The first Regional law to discipline the so called "Roma issue" was the law n. 41 of 16 August 1984 of Veneto Region ("Interventions for the protection of the Roma culture"). This law was subsequently repealed, but it clearly inspired the successive Regional laws of the 80s/90s. This excerpt helps to understand the basis on which it was grounded: «the stop off of these groups created and creates problems of a various nature, in theme of relationships with the local communities, as well as concerning the public order. Being dealt with *a posteriori* or under repressive terms, these problems did not disappear, but they proposed again, even worsened; it is thus necessary to tackle them *a priori*, with a set of measures able to prevent them, and in any case to attenuate their impact, making the interested communities to feel responsible». The other Regional laws are: law n. 82/1985 of Lazio Region, "Norms in favour of Roma"; law n. 9/1988 of Sardegna Region, "Protection of nomads' ethnicity and culture"; law n. 47/1988 of Emilia Romagna Region, "Norms for nomads minorities in Emilia Romagna"; law n. 11/1988 of Friuli Venezia Giulia Region, "Norms for the protection of Roma culture within the territory of the autonomous Region of Friuli Venezia Giulia"; law n. 77/1989 of Lombardia Region, "Action for the protection of populations belonging to traditionally nomad and semi-nomad ethnicities"; law n. 54/1989 of Veneto Region, "interventions for the protection of Roma and Sinti culture"; law n. 32/1990 of Umbria Region, "Measures to favour the integration of nomads in the society and for the protection

wrong conviction that Roma and Sinti are “nomads”⁶, with the double effect to strengthen the perception of Roma and Sinti as “nomads” and to lead to the official construction and management of segregated living spaces. All these laws⁷ have a common thread: they foresee the design and construction of “authorised camps” specially tailored for Roma and Sinti communities, thus promoting and justifying segregating and excluding policies. Even if initially the realization of camps was not intended to be a means of segregation but a way to protect the perceived peculiarities of these minorities, the results have been extremely critical in terms of spatial segregation and social marginalization.

1.2 Incitement to racial hatred and to discrimination: legal framework

In Italy the law n. 654/1975 criminalizes episodes of propaganda and incitement to racial hatred, including the dissemination of ideas of racial or ethnic superiority and the incitement to racial violence or crime and to discriminatory conducts. But in practice Italian politicians found guilty of these crimes are not actually punished for their conducts. During the years, the provisions of the law 654/1975 have been progressively weakened, first by the law n. 205/1993⁸ which reduced the maximum term of imprisonment to three years, and then by the law n. 85/2006 which further reduced the punishment to a maximum term of imprisonment of one year and six months or to an alternative fine up to 6.000 €. Concerning politicians, aspects undermining the effectiveness of the provisions addressing hate speech and hate crimes and therefore fostering a climate of impunity, can be traced in measures such as the suspension of the judgement and other similar clauses⁹. Finally, Italy ratified the Convention on Cybercrime of The Council of Europe, but it has not yet ratified the Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The ratification of this Protocol would constitute a useful instrument in effectively addressing xenophobic messages and hate speech through the internet, which constitutes a worryingly increasing phenomenon¹⁰.

of their identity and cultural heritage”; law n. 26/1993 of Piemonte Region, “Interventions in favour of the Gypsy population”; law n. 2/2000 of Toscana Region, “Interventions for the Roma and Sinti people”; law n. 12/2009 of the Autonomous Province of Trento, “Measures to favour the integration of the Sinti and Roma groups residents in the Province of Trento”.

⁶ The practice of the Italian authorities to label the Roma and Sinti as “nomads” is mostly spread at the local level, even if it still can be traced in some government’s official documents, as the yearly report of the Ministry for Education on foreign pupils, where Roma students are referred to as “nomads”, see:

http://www.istruzione.it/allegati/Notiziario_Stranieri_12_13.pdf.

⁷ With the exception of the laws of the Region Toscana and of the Autonomous Province of Trento, which, even if presenting some objectionable issues, propose a diversified range of housing solutions, and aim to overcome the mere handout approach.

⁸ On the other side the law n. 205/1993 has better outlined the circumstances of the crime and has foreseen further sanctions for hate crime offenders, as for example the ban to participate in any way to electoral campaigns.

⁹ On this issue it is interesting to recall the cases of the politicians Tosi and Gentilini, both found guilty of incitement to racial hatred against Roma and Sinti communities. In the case of Tosi the accessory punishment consisting in a three years ban from public rallies has *de facto* been suspended, indeed he was recently re-elected for a second term as Mayor of Verona. In 2009 Mr. Gentilini was condemned to a fine of 4.000 € and to a three years ban from public rallies, following the speech he gave at the “People’s Party” in Venice on 14 September 2008. In that occasion he said: «I want a revolution against nomads, against Gypsies, I destroyed two camps of Roma and Gypsies in Treviso [...] I want to eliminate all the Gypsies’ children who go to steal from elderly people». Presently Mr. Gentilini is deputy Mayor of Treviso and regularly participates to public rallies releasing similar speeches with xenophobic and racist contents.

¹⁰ Associazione 21 luglio, which daily monitors media and web contents through the activity of its National Observatory Against Hate Speech (www.osservatorio21luglio.org), is particularly concerned about the increasing

1.3 From the “Nomad Emergency” to the National Strategy

In 2008 the Italian Government declared the “Nomad Emergency”, a state of emergency «with regard to settlements of nomad communities»¹¹. Following a legal proceeding filed by a NGO¹², on 16 November 2011 the Council of State declared unlawful the Decree at the base of the “Nomad Emergency”, therefore proclaiming the illegitimacy of all the acts and orders implemented under the emergency framework, as adopted in lack of power¹³. Following an appeal against the ruling of the Council of State filed by the Government in February 2012, on 22 April 2013 the Italian Supreme Court of Cassation rejected the appeal, thus definitely ending the “Nomad Emergency”¹⁴. Under the emergency framework, which explicitly addressed Roma and Sinti exclusively under a security and public order perspective, various human rights violations occurred, which further exacerbated the living conditions of Roma and Sinti communities. Systematic forced evictions, discriminatory census conducted on ethnic basis (involving also minors) and the transfer of families in sub-standard, inadequate and segregated housing without other alternatives being provided, are among the most blatant. At the 80th session of the CERD in early 2012, Italy declared that data collected during the emergency census have been destroyed. In November 2013, Associazione 21 luglio requested formal access to those data on behalf of two Roma concerned by the census, finding they were still available¹⁵. This legitimises grounded doubts on whether the destruction of the census data has actually taken place. In February 2012 Italy submitted its National Roma Integration Strategy (NRIS) to the European Commission¹⁶. The document foresees a set of integrated policies focusing on four key areas (Housing, Employment, Education, Health), and represents a formal commitment towards Roma and Sinti social inclusion. After two years since its submission, the concrete application of the NRIS results in considerable delay, as also noticed by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate¹⁷. Despite the formal closure of the “Nomad Emergency”, and the adoption of the NRIS, no substantial improvement of the living conditions of Roma and Sinti families can be recorded on the ground, nor any mechanism to provide access to an effective remedy for the human rights violations occurred under the emergency has been implemented.

2. Promotion and protection of human rights on the ground and follow-up to the accepted recommendations of the 2010 UPR

diffusion of anti-Roma and racist contents in web pages, social networks, blogs and in news websites which allow users to place comments.

¹¹ Decree of the President of the Council of Ministers of 21 May 2008, Declaration of the state of emergency in relation to the settlements of nomad communities in the territory of the regions of Campania, Lazio and Lombardia.

¹² European Roma Rights Centre.

¹³ Council of State, Section IV, Judgement No. 6050/2011 of 16 November 2011.

¹⁴ Supreme Court of Cassation, Judgement No. 9687/2013 of 22 April 2013.

¹⁵ The formal access has been requested in November 2013 on behalf of M.H. and R.H.

¹⁶ Italian National Strategy for the Inclusion of Roma, Sinti and Caminanti, February 2012.

¹⁷ Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Resolution n. 201, 18 December 2013, available at:

<http://www.senato.it/application/xmanager/projects/leg17/file/Risoluzione%20Strategia.pdf>.

2.1 Segregated and sub-standard housing (2010 UPR Recommendations: 25, 57)

Italy is legally bound to protect, respect and fulfil the right to adequate housing and to non discrimination by a number of international and regional instruments. Moreover, the CERD highlighted specific measures to be implemented in order to eradicate discrimination against Roma in its General Recommendation No. 27¹⁸. The Italian authorities have repeatedly failed to meet these international obligations and recommendations, as they continued with the practice to officially construct and manage the so called “authorised camps”¹⁹, and to provide Roma and Sinti families with housing units inside them. The “authorised camps” are designed and managed as to constitute a parallel and permanent housing system specifically designed for Roma and Sinti, in alternative to ordinary housing solutions, as for example the social housing system. The Italian authorities committed to overcome discriminatory segregation and sub-standard housing conditions in “authorised camps” by accepting recommendations no. 25 and 57 during the 2010 UPR. Despite this commitment, the persistence of the “encampment policy” addressed towards Roma and Sinti has continued to attract criticisms from a number of human rights monitoring bodies also in recent years²⁰. Associazione 21 luglio widely documented the housing conditions of “authorised camps” in Rome, Naples, Turin, Pisa, Lecce, Cosenza and Palermo²¹. None of the settlements visited meets the international standards set forth in the CESCR’s General Comment No. 4. The “authorised camps” are often fenced and equipped with CCTVs, with a 24h security guard checking the entrance. Differently than in other housing solutions provided by the authorities (eg. social housing), an official written permission from the authorities is required in order to access the “authorised camps”, while is occasionally required to leave ID papers at the entrance. Visits from relatives and friends are generally restricted, and guests have to be registered at the entrance. The housing units (mostly containers, trailers or bungalows) are overcrowded and because of the deteriorated conditions due to their intrinsic temporary nature, they do not offer an adequate protection from weather adversities and structural hazards. All the official settlements present deteriorated hygienical and sanitary conditions, posing a grave threat to the health of the inhabitants²², and they frequently lack adequate access to one or more of the most basic services like drinking water²³, sanitation facilities²⁴ and adequate heating systems. Most of the “authorised” settlements are located on the outskirts of cities, often in industrial or

¹⁸ CERD, General Recommendation No. 27, Discrimination against Roma, 16 August 2000.

¹⁹ The “La Barbuta” settlement in Rome, opened in July 2012, is the last “authorised camp” built *ex-novo* by the Italian authorities. Decisions on the construction of new “authorised camps” are currently under debate also in Rome, Genova, Lecce, Parma, Pistoia, Asti, Giugliano, Latina, Savona and Carpi.

²⁰ CERD, Concluding Observations: Italy, March 2012, para. 15; ECRI, ECRI Report on Italy (4th monitoring cycle), February 2012, para. 92; European Committee of Social Rights, Conclusions 2011 (Italy), Articles 7, 8, 16, 17, 19, 27, 31 of the Revised Charter, January 2012, pp. 40-41.

²¹ Associazione 21 luglio, Figli dei “campi”, December 2013; available at http://www.21luglio.org/wp-content/uploads/2013/12/Figli-dei-campi_Associazione21luglio.pdf.

²² During the interviews carried out in “authorised camps” by Associazione 21 luglio with residents, doctors and social workers, a high incidence of various physical diseases (respiratory diseases, dermatitis, lice, warts, scabies, cardiovascular diseases) and of mental diseases (anxiety, phobia, sleep disorder, hyperactivity and learning difficulties) has been reported. In October 2012 in the “authorised camp” of Salone in Rome, after a consistent sewage leak due to the overcrowding of the camp, an outbreak of hepatitis A was recorded. As a consequence ten children went through hospitalization and other 80 underwent vaccination.

²³ In most of the settlements visited by Associazione 21 luglio, the water is allegedly reported as undrinkable by the residents, who report abdominal pain especially among children.

²⁴ All the sanitation facilities observed in the “authorised camps” are inadequate, either because of the extremely deteriorated conditions or because of the inadequacy in quantity in relation to the number of inhabitants.

agricultural areas, aggravating the marginalization of the inhabitants from the rest of the society (in Rome the average distance from the “authorised” settlements to the closest public transport facility is 2 Km)²⁵. In some cases a school bus service for Roma children living in the “authorised camps” is offered by the local authorities, but due to the physical distance of the settlements from the schools the pupils arrive hardly on time and have to leave the school earlier than non-Roma pupils, with grave repercussions on their schooling path²⁶. In some cases the “authorised camps” are situated in unhealthy areas, further compromising the health of the inhabitants²⁷. All the households visited by Associazione 21 luglio in the “authorised camps” fall inside the definition of “slum household” provided by the UN-HABITAT.

2.2 Forced evictions

(2010 UPR Recommendations: 61, 62)

Roma and Sinti continue to be repeatedly forcibly evicted from their houses by the authorities throughout Italy²⁸. Forced evictions constitute a gross violation of human rights²⁹ and have dramatic consequences on the life of children and they disproportionately impact on their educational paths. Public officials are often unaware of the illegal nature of forced evictions³⁰. Systematic campaigns of forced evictions have been carried out by the authorities throughout Italy and mainly in the cities of Rome and Milan, often accompanied by a “security” centred rhetoric, and they have also been used as a means for electoral gain³¹. In the city of Rome alone, from 31 July 2009 to 31 January 2014 a total of 556 documented forced evictions were carried out, affecting about 500 Roma families. When evicting Roma and Sinti families, the Italian authorities hardly ever apply the procedural protections foreseen by international instruments³²: in most of the cases evictions are carried out without a formal notice, therefore impeding the access to a legal remedy, and without an advance notification, in absence of any kind of consultation; often evictions result in people being rendered homeless, as no adequate alternative housing solution is provided to those unable to provide for themselves. The most common arguments brought by the authorities to justify forced evictions are related to the precarious hygienic-sanitary conditions of informal settlements. Forced evictions do not result in restoring housing adequacy, but in reiterating housing inadequacy in another

²⁵ Associazione 21 luglio, Rom(a) Underground, February 2013; available at http://www.21luglio.org/wp-content/uploads/2013/02/ROMA%20UNDERGROUND_English%20final.pdf.

²⁶ Associazione 21 luglio, Linea 40, October 2011.

²⁷ This is for example the case of the newly constructed La Barbuta camp in Rome, located under the final approach path of aircrafts landing in the Ciampino airport, and of the Masseria del Pozzo camp in Giugliano (Naples), opened in april 2013 and situated in a heavily polluted area next to a garbage dump.

²⁸ Forced evictions mainly target Roma and Sinti living in informal settlements, but also inhabitants of “authorised camps” have reportedly been victims of forced evictions, as occurred in September 2012 to the 350 residents of the Tor De’ Cenci settlement in Rome. Other recent examples of forced evictions affecting large amounts of persons are the forced eviction from the Baiardo camp occurred on 5 July 2012 in Rome (more than 300 persons totally affected), and the forced eviction of approximately 700 Roma from two adjacent areas in the Certosa neighbourhood in Milan, on 25 November 2013.

²⁹ UN Commission on Human Rights Resolution 1993/77, para 1. The Un commission on Human rights has recognized eviction constitute gross violations of a range of human rights, in particular the right to adequate housing.

³⁰ In this sense the statement collected by Associazione 21 luglio in a meeting with a public official in Rome on 26 October 2012 is emblematic: «We evict informal settlements because of environmental and socio-sanitary reasons. [...] The eviction is “forced” only because it is necessary and must be carried out due to sanitary reasons. It is absolutely untrue that they are illegal». In January 2013 the National Office against Racial Discrimination (UNAR) issued a set of guidelines on evictions and human rights, but these are of an informative nature and non legally binding and have not been properly publicized.

³¹ This has been documented by Associazione 21 luglio in Milan and Rome, respectively in 2011 and 2013.

³² Committee on Economic, Social and Cultural Rights, General Comment No. 7, 20 May 1997.

place while further increasing the vulnerability and exacerbating the living conditions of those affected.

2.3 Anti-gypsyism: hate speech and violent attacks

(2010 UPR Recommendations: 16, 20, 21, 23, 26, 28, 33, 60)

Anti-gypsyism is a specific form of racism³³ and a powerful obstacle in preventing Roma and Sinti inclusion³⁴. Routine violent attacks against Roma and Sinti settlements and individuals³⁵ and the recent alarming hysteria³⁶ sparked in Italy by the episode of a blond Roma child living in Greece with a couple who resulted not to have biological relationship with her³⁷, are exemplificative indicators of the broad diffusion and deep rooting of anti-Roma sentiments in the Italian society. These episodes are usually not promptly and firmly condemned by politicians and relevant head of political parties³⁸. The data collected by Associazione 21 luglio confirm that anti-gypsyism is a deep-rooted and endemic phenomenon in Italy, mainly fueled by the media and by the political discourse at local level³⁹. Associazione 21 luglio recorded a daily average of 1,86 episodes of “wrongful

³³ ECRI, General Policy Recommendation no. 13: On Combating Anti-Gypsyism and Discrimination Against Roma, June 2011.

³⁴ Council of Europe Commissioner for Human Rights, The discrimination of Roma in Europe: a human rights perspective, September 2010; Council of Europe Commissioner for Human Rights, Positions on the Human Rights of Roma, May 2010.

³⁵ In recent years Italy witnessed various violent attacks against Roma and Sinti, among which: On 10 December 2011 a raging mob set on fire a Roma settlement in the Continassa neighbourhood in Turin, following a false report of a rape by a teenager, see: <http://www.lastampa.it/2011/12/10/italia/cronache/spedizione-contro-i-romper-uno-stupro-inventato-tiqwX8WhTWJayTHF6hUxTN/pagina.html>; The murder of a football supporter by an Italian Roma in Pescara in May 2012 sparked various demonstrations around the town. The demonstrators were chanting explicit anti-Roma and discriminatory slogans and occasionally degenerated into violence, spreading fear among the local Roma community:

http://www.corriereadriatico.it/ATTUALITA/omicidio_rigante_gli_ultr_agrave_marciano_sul_quartiere_dei_rom/notizie/194252.shtml; In April 2013 in Milan various demonstrations against a Roma informal settlement occasionally degenerated into violence, fueling tensions and forcing the local authorities to intervene and transfer the inhabitants, see: <http://www.upreroma.it/index.php/notizie/21-comunicato-stampa-13-aprile-2013>; On 15 October 2013 in Naples a Roma child was hit by acid thrown from the balcony of a building, see:

http://www.ilmattino.it/napoli/cronaca/napoli_acido_da_un_balcone_su_bimbo_rom_bersagliato_tutti_i_giorni_vid_eo/notizie/339876.shtml; Following an alleged report of sexual harassment by a young teenager, on 11 March 2014 a mob of 50 persons attacked the Roma settlement of S. Maria del Riposo in Naples, leading the inhabitants to quickly collect their personal belonging and flee the settlement, see:

<http://corrieredelmezzogiorno.corriere.it/napoli/notizie/cronaca/2014/12-marzo-2014/hanno-molestato-16ennepoggioreale-assalto-campo-rom-2224200781392.shtml>.

³⁶ This episode triggered a series of irresponsible reactions: examples are the statements released by Senator Buonanno, who called for an ethnic based census of all Roma living in Italy (see: <http://video.repubblica.it/politica/buonanno-lega-nord-schedare-i-rom-ladri-nel-dna/144101/142632>), and the episode occurred in November 2013 in Viareggio, when a blond Roma child and her grandparents were stopped and shortly detained by police officials convinced that she had been kidnapped (see: <http://www.lanazione.it/viareggio/cronaca/2013/11/03/976329-bimbo-bus-rapito-nomadi.shtml>).

³⁷ See: <http://www.theguardian.com/world/2013/oct/20/blonde-blue-eyed-girl-found-in-greek-gypsy-camp>.

³⁸ In the case of Pescara, the Freedom's People Party instead of abstaining from further escalating the tensions, irresponsibly published and displayed posters stating: «Roma and criminals out of social housing», see: <http://www.abruzzo24ore.tv/news/Pescara-manifesti-contro-i-rom-associazione-Romani-chiede-rimozione/84140.htm>.

³⁹ Associazione 21 luglio daily monitors media and web contents through the activity of its National Observatory Against Hate Speech (www.osservatorio21luglio.org); see Associazione 21 luglio, Anti-Gypsyism 2.0, September 2013, available at: http://www.21luglio.org/wp-content/uploads/2013/09/Antiziganismo-2-0_def_edizione-web.pdf.

communication”⁴⁰ about Roma and Sinti arising from the media, and of 1,46 episodes of “anti-gypsyism”⁴¹, mainly ascribable to politicians and local authorities. Associazione 21 luglio considers the responsibility of Italian politicians in fueling anti-gypsyism and discriminatory sentiments as a factor of crucial concern that should be urgently addressed⁴². Hate speech against Roma and Sinti in Italy usually adopts indirect and subtle expressions of bias, rather than explicitly racial remarks. As recommended by the CERD in 2013⁴³, State parties should give due attention to all kind of manifestations of racist hate speech, and when deemed less serious should anyway address them with means other than criminal law. Indirect and subtle hate speech still is a «form of other-directed speech which rejects the core human rights principles of human dignity and equality and seeks to degrade the standing of individuals and groups in the estimation of society»⁴⁴. The current Italian anti-discrimination framework does not provide for effective means to address and discourage these kind of episodes⁴⁵, leaving anti-gypsyism and its promoter space to irresponsibly fuel anti-Roma sentiments with blatant dangerous effects. The action of the National Office Against Racial Discrimination (UNAR) in this field is considerably limited due to the lack of sanctionary means to address and discourage episodes of this kind⁴⁶.

2.4 Institutionalization of Roma children (2010 UPR Recommendation: 39)

Recent researches documented a high over-representation of Roma children in the Italian child protection system. Roma minors constitute 10,4% of the minors living in institutional homes, while Roma and Sinti living in Italy account just for the 0,25% of the overall population⁴⁷, and a Roma child could have up to 60 times the probability to be involved in the child protection system than a non-Roma⁴⁸. In various meetings with social workers,

⁴⁰ The criteria adopted for the classification are those arising from the Charter of Rome, a code of conduct which applies to the Italian media. See: <http://www.odg.it/content/carta-di-roma>.

⁴¹ The category “anti-gypsyism” adopted by Associazione 21 luglio encompasses a range of episodes: from indirect and subtle expressions of prejudice to explicit and direct expressions of ethnically based bias.

⁴² Politicians and elected officials, due to their specific position, have a particular responsibility not to fuel anti-Roma sentiments and discriminatory behaviours, but this responsibility seems often to be neglected. Among recent examples of grave racist statements against Roma and Sinti arise the statements released by the Senator Centinaio («Who stays [Roma] has to abide by our rules, who does not must be expelled, source: La Padania newspaper, 14 November 2013), by the European MP Morganti («In Theory Roma are human beings like all the others, but with a particular aptitudes towards theft», see: <http://www.cirdi.org/notizie/l-ue-convoca-morganti-per-le-offese-contro-i-rom/>) and by the Turin Municipality Councillor Fabrizio Ricca («The only way to solve this critical situation would be to rent some trains and send back home this totally unwanted guests [Roma]», see: <http://www.ilquintuplo.it/leghisti-choc-gli-zingari-metteteli-su-un-treno-e-rimandateli-a-casa/>).

⁴³ CERD, General Recommendation No. 35: Combating racist hate speech, 26 September 2013.

⁴⁴ *Ibidem*, para. 10.

⁴⁵ The sense of impunity surrounding hate speech against Roma and Sinti is exemplified by the use of the term “Gypsytown” (Zingaropoli) by some politicians. During the electoral campaign in Milan in 2011 some posters appeared claiming that a vote for the left party would have condemned Milano to become a “Gypsytown”. Despite being condemned by the Court, the term “Gypsytown” continue to be routinely adopted by various politicians in different parts of Italy.

⁴⁶ In various meetings with Associazione 21 luglio UNAR representatives repeatedly highlighted the lack of available instruments to effectively tackle these kind of episodes.

⁴⁷ OsservAzione, The protection of the rights of Roma children in the Italian child protection system, 2012, p. 19, the research focused on the cities of Bari, Bolzano, Milan, Naples and Rome.

⁴⁸ Associazione 21 luglio, My mother was a Roma, October 2013; Carlotta Saletti Salza, From protection to genocide?, CISU 2010.

public officials, judges and public prosecutors, Associazione 21 luglio often noticed a worrying diffusion of deep-rooted prejudices against Roma and Sinti parents, generally depicted as incapable to take care of their children⁴⁹. Poverty, sub-standard housing conditions, inadequate diet are often attributed to the *Roma culture* and not to the material deprivation and social marginalization objectively faced by the families⁵⁰. The institutionalization of children should strictly abide by the international human rights standards such as the CRC, and should be adopted only as a measure of last resort when deemed necessary for the best interest of the child⁵¹. According to relevant jurisprudence of the European Court of Human Rights the removal of a children from his family must not be based exclusively on a family's status of destitution⁵², while in adopting such measure the State has an obligation to take into consideration the particular vulnerabilities of the family⁵³.

3. Recommendations for action by the State under review

In light of the concerns highlighted in this submission, Associazione 21 luglio calls on the Italian government to:

- Repeal all the normative instruments justifying the official construction and management of the “authorised camps”, and to step up its efforts towards a concrete implementation of the National Strategy for Roma and Sinti Inclusion;
- Urgently take all the necessary steps to end the segregation of Roma and Sinti families in “authorised camps” with sub-standard housing conditions, ensuring Roma and Sinti are provided with adequate housing in absence of discrimination;
- Immediately cease forced evictions affecting Roma and Sinti throughout Italy, also by adopting a clear prohibition on forced evictions by means of law which explicitly set out the essential procedural protections arising from international human rights law;
- Adequate the existing legal framework concerning incitement to discrimination and to racial hatred assuring it falls in line with CERD General Recommendation No. 35, also guaranteeing the effectiveness of the imposed sanctions in order to discourage recidivous episodes;
- Condemn promptly and resolutely all episodes of anti-gypsyism, especially by politicians and public officials, making clear that anti-gypsyism is incompatible with the International, European and Constitutional principles;

⁴⁹ ERRC and Associazione 21 luglio, Parallel report to the Committee on the Rights of the Child on Italy for its consideration at the 58th session, 2011, available at: <http://www.errc.org/cms/upload/file/italy-crc-submission-26-july-2011.pdf>; Associazione 21 luglio, *My mother was Roma*, October 2013. During the interviews carried out by Associazione 21 luglio with social workers, public officials, judges and public prosecutors, in referring to Roma and Sinti they were often adopting a “us – them” dichotomy and stereotyped perspectives. Roma and Sinti parents are often indiscriminately depicted as criminals who force their children to beg, as incapable of parenting because of a supposed inclination to illegal activities and as directly responsible for the conditions of deprivation and precariousness as these are intended as a consequence of their own choice of lifestyle.

⁵⁰ Associazione 21 luglio collected evidences that during forced eviction operations public officials have occasionally required Roma women to sign a paper stating: «I hereby confirm that I have been informed that if I will not be able to guarantee a safe and healthy housing for my children [...] the Public Authority, in compliance with Art. 403 of the Civil Code, will intervene through child protection bodies to immediately place the children in a safe location».

⁵¹ Convention on the Rights of the Child, Article 9.

⁵² European Court of Human Rights, *Wallowa and Walla v. Czech Republic*, Application no. 23848/04, Decision on the Merits of 23 October 2006; European Court of Human Rights, *Zhou v. Italy*, Application no. 33773/11, Decision on the Merits of 21 January 2014.

⁵³ European Court of Human Rights, *R.M.S. v. Spain*, Application no. 28775/12, Decision on the Merits of 18 June 2013.

- Ratify the Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS n.189), adopting the necessary measures for its incorporation into domestic law;
- Reinforce the mandate of the National Office Against Racial Discrimination, providing it with effective sanctionatory powers;
- Take the necessary steps to urge the media to stick to the existing codes of conduct of professional journalism, in particular to the Charter of Rome;
- Take adequate steps to ensure that the actors involved in the child protection system (social workers, public officials, judges and public prosecutors) are free from prejudices against Roma, and that their action falls in line with the international standards;
- Ensure that the removal of Roma children from their families is adopted only as a measure of last resort, and only after all other possible alternatives allowing a healthy and balanced development of the child within his family have been explored.