

WRITTEN COMMENTS

of the European Roma Rights Centre, concerning Italy

To the Human Rights Council, within its Universal Periodic Review for consideration at the 20th Session (27 October to 7 November 2014).

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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The European Roma Rights Centre (ERRC) ¹ submits this parallel report to highlight some key human rights concerns in Italy. The submission provides a factual base and recommendations on Roma for the key issues of housing and forced eviction, education, health, violence and hate speech.

No Basic Rights for Roma in Italy: Housing, Education and Health

Housing and Forced Eviction

1. The Italian authorities have built so called camps for nomads (campo nomadi) since the 1980s. They started as a result of regional policies, implemented when Roma from the former Yugoslavia arrived in Italy, which dictated that segregated settlements had to be approved and constructed by city and/or regional authorities. They are based on the Italian Government's fundamental misconception that all Roma are nomadic, even though just 3% of the Roma in Italy are said to live an itinerant lifestyle. The so-called camps therefore fail miserably to meet the needs of Roma living in Italy. Camps often have no access to drinking water, power or sewage, the accommodation is usually overcrowded and the camps are generally located on the periphery of cities and towns. According to an EU Fundamental Rights Agency report, these Italian camps have one of the highest rates of Roma living per room.²
2. The Italian National Strategy for the Inclusion of Roma, Sinti and Camminanti communities (NRIS), approved by the Italian government in February 2012, stated that it was time to overcome "emergency policies" for Roma and clarified that most Roma in Italy are not nomads and that housing solutions such as "nomad camps" are not adequate or suitable solutions.³ The strategy proposes several alternative solutions that would meet the real needs of the Roma. Nevertheless, a new "mega camp", called La Barbuta, was opened in June 2012 close to Rome's out-of-town airport, Ciampino. Approximately 650 Roma, coming from semi-formal settlements, have been moved there. The ERRC has joined Italian NGOs in challenging the legality of this segregated camp relying on anti-discrimination legislation and other

¹ The 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. See: www.errc.org.

² European Union Agency of Fundamental Rights, *The situation of Roma in 11 EU member states. Survey results in a glance*, p. 22.

³ Ufficio Nazionale Antidiscriminazioni Razziale (UNAR), National Strategy for the Inclusion of Roma, Sinti and Caminanti communities, February 2012, available at: <http://109.232.32.23/unar/image.aspx?id=bfgd9506-da4b-4583-a85e-223a8f6d93a1&sNome=UNAR%20LIBRO%20STRATEGIA%20ROM%20SINTI%20ING.pdf>.

principles. As a result of these efforts, the forced relocation of Roma to La Barbuta was halted by the courts once (4 August 2012), but restarted following an appeal by the authorities (on 4 September 2012). In October 2014 it is expected that the Civil Court of Rome will reach a final decision on the legitimacy of the relocation of Roma to La Barbuta as well as on the discriminatory nature of the camp.

3. Camps such as Via Salone 323, the largest formal settlement in Rome, are often presented by the Italian authorities as innovations for so-called “nomads”. The Via Salone camp exemplifies the consequences of the policy adopted by the municipality towards Romani communities.⁴ 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, the route is unlit and there are no 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. Since 2008 the number of inhabitants has increased as a consequence of the transfer of many families who were victims of evictions. According to local NGOs there are now about 1,100 people in 198 container houses, which offer a limited amount of living space (22 - 28 square metres each), but are regularly inhabited by up to nine people. According to the relevant local legislation,⁵ four people should have at least 56 square metres of living space. It is impossible for the 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.
4. The ERRC has been monitoring evictions of Roma in Italy since April 2011. During this period, the ERRC recorded about 361 forced evictions, affecting at least 14,000 people forcibly removed from their homes; this should not be considered as a comprehensive number of all forced evictions of Roma in Italy, but as a sample of cases about which the ERRC has received information.
5. ERRC field research found that families living in informal camps were persistently evicted without respect for the protections prescribed by international standards: residents were not consulted prior to eviction, did not receive formal eviction orders, which made it difficult to challenge the evictions legally, and were not offered alternative accommodation, which forced them into an endless cycle of evictions from one camp to another. The situation of schoolchildren, elderly people, pregnant women or people with health problems was not taken into consideration.⁶ ERRC research conducted in 2011 in Rome, Turin and Reggio Calabria with women living

⁴ 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.

⁵ 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>.

⁶ 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>.

in different housing situations found that more than a quarter (27.2%) of the respondents reported being forcibly evicted at some point in their lives.⁷

6. According to the ERRC's research, in some cases, Italian municipalities have reduced but not stopped the evictions. When available, the shelter spaces run by the municipality are offered, although no social inclusion or lasting housing solutions are offered to them. For example in Milan's "Barzaghi" and "Lombroso" shelters, Romani families have been hosted for months without being involved in any consistent social inclusion programme.
7. After his visit to Italy in May 2011, Thomas Hammarberg, then Commissioner for Human Rights of the Council of Europe, stated that evictions and other practices impaired the enjoyment of the right to housing and other human rights of Roma and Sinti. The Commissioner was seriously concerned at reported practices concerning evictions of Roma from settlements in Italy and recalled in his report that Italy is under an obligation to ensure that evictions are only carried out as a last resort and with appropriate procedural safeguards.⁸
8. In a letter addressed to Rome's mayor in November 2013, Nils Muižnieks, the current Commissioner for Human Rights of the Council of Europe, criticised the eviction of the informal "Salviati" camp in September 2013. The Commissioner underlined that in this case "no genuine consultation with the inhabitants took place before this eviction, despite their appeal for dialogue with the municipality. [...] Forced evictions and segregated camps must ultimately be relegated to the past along with the 'Nomad emergency'".⁹

Education

9. Inadequate housing conditions and forced evictions reduce the school enrolment and otherwise negatively affect the education 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.¹⁰ As a consequence, many Romani children are left behind in school or are illiterate.

⁷ European Roma Rights Centre, 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. Of 88 respondents to questions on evictions, 77 specified their housing type, 26 resided in formal camps, nine resided in informal camps, 11 resided in squats, 10 lived in private housing and 18 were living in social housing.

⁸ Commissioner for Human Rights of the Council of Europe, 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/ViewDoc.jsp?id=1826921>.

⁹ Commissioner for Human Rights of the Council of Europe, letter addressed Rome's mayor, 12 November 2013, available at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2403121&SecMod=1&DocId=2086126&Usage=2>.

¹⁰ 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>.

10. 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 education of their children. However the data from the school years 2007/2008 to 2010/2011 show no positive impact on the education of Romani children in Italy. For example in 2011 only 158 Romani pupils attended high school, a figure that is even lower than four years earlier (in 2007/2008 there were 181 Romani pupils). This means that in Italy one Romani child out of one thousand is accessing high school.¹¹
11. According to local NGOs, Italian authorities are often indifferent to school absenteeism among Romani children. Social workers reportedly perceive Romani school drop-out, particularly as a result of early marriage, as a “cultural” issue, and thus do not follow normal administrative procedures to ensure the attendance of school-aged Romani children. Research on women shows that discriminatory treatment of Romani children by school personnel and classmates is common in Italy and negatively affects the self-esteem and development of Romani girls.¹² On 31 October 2011 the UN Committee on the Rights of the Child said it was concerned about discrimination against Roma in Italy and recommended the authorities to develop 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 to take measures to address harmful practices such as early marriage.¹³

Health

12. Discrimination against Roma also has a negative impact on their health. Prejudices, together with poor conditions in the camps, lack of knowledge and communication barriers, affect the health of Roma who, in general, have poorer health than immigrant groups. The limited data available suggest that Roma have a lower life expectancy and lower infant mortality rate than the population at large; Romani children are more frequently born underweight than other children and become ill with respiratory disease in greater numbers than their Italian peers, as well as suffering more often from poisoning, burns and accidents at home.¹⁴ There is increased abuse of alcohol and drugs, as well as a greater incidence of “diseases of poverty”,¹⁵ such as tuberculosis, scabies, lice, and some viral infections, fungal infections and venereal diseases, which now occur with greater frequency than in the past. Among adults, Roma more frequently suffer from diseases of the digestive, respiratory and skeletal systems. In some communities there is widespread hypertension and there are more frequent metabolic diseases (largely attributed to lifestyle) and there are high risks for maternal and child health.¹⁶

¹¹ UNAR, Strategia nazionale.

¹² 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.

¹³ 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>.

¹⁴ UNAR, Strategia nazionale.

¹⁵ Ibid.

¹⁶ Ibid.

Research published by the Italian Red Cross in 2011 found, based on the 4,927 individuals they interviewed, that 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 Naga¹⁷, 95% of the Romanian Roma living in camps in Milan are not registered with the public health service nor by another health service.¹⁸ ERRC research conducted in 2011 revealed that 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.¹⁹ In the same research, Romani women reported that the cost of medicine is prohibitive for those who are not entitled to free medical care. As a result, doctors prescribe medicine but many of their Romani patients cannot afford to buy it and treat their illness.

13. Research studies conducted in 2011 in formal camps 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. These are disorders which “are also predictive of more serious disorders in adolescence and adulthood.”²⁰ These Romani children are also affected by a variety of childhood diseases: skin diseases, psychological distress, abdominal disorders, respiratory, low weight and stunted growth.²¹ Evictions from formal, semi-formal and informal camps constitute a major problem for the mental and physical well-being of Romani children.²²

Violence and Hate Speech against Roma

Violence

14. Reports from international and local civil society and academics of incidents of daily discrimination and violence against Roma in Italy confirm an ever-growing climate of racism.
15. The ERRC monitors cases of violence against Roma, including cases of violence by law enforcement officials, attacks against camps and Romani homes and violence by private citizens.
16. During the night between 11 and 12 March 2014, the informal settlement at via Santa Maria del Riposo, Napoli, was attacked with Molotov cocktails and raided by

¹⁷ The Naga is a voluntary association which promotes and protects the rights of all foreigners, Roma and Sinti without any discrimination. More info are available at: www.naga.it.

¹⁸ 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.

¹⁹ ERRC, Idea Rom Onlus and Opera Nomadi, *Parallel submission to the Committee on the Elimination of all Forms of Discrimination against Women on Italy*.

²⁰ 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%20_E_AMMASSATI.pdf.

²¹ 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.

²² Associazione 21 Luglio *Esclusi e ammassati Report*

local residents. At least one person was injured and hospitalised.²³ Police witnessed the attack without stopping it. In spring 2012, tensions flared in Pescara after a Romani man allegedly killed a non-Romani individual: a Molotov cocktail was thrown at the house of the alleged perpetrator; an online petition calling for the “Expulsion of Gypsies from Pescara” was started; and a demonstration against Roma was organised, with participants chanting slogans under a banner saying “Five-Day Roma Hunt”. There have been ongoing threats of violence and intimidation, and the police have informally warned Roma not to leave their homes because of the threat of violence. The ERRC sent a letter of concern to local and national authorities in order to ask for all necessary steps to adequately protect Romani individuals.²⁴ In December 2011, in Turin, a Romani camp, la Continassa, was destroyed by citizens after a demonstration, which was organised following the false accusation that a Romani man had raped a non-Romani girl.²⁵ The ERRC and local NGOs sent a letter of concern calling on Italian authorities to investigate this incident.²⁶ Later on, local organisations initiated legal proceedings aimed at clarifying the events and establishing responsibility, including under for discrimination.

17. Many cases of violence against Roma remain unreported because Romani individuals fear retaliation against themselves and their families,²⁷ victims think no one would believe them or they lack identity documents.

Hate speech

18. According to ERRC monitoring activity, anti-Romani statements by public figures²⁸ are common, including public insults and defamation and dissemination of ideas based on racial hatred and racial superiority. As Thomas Hammarberg underlined in 2011, political parties often instil anti-Roma sentiments in the population during their electoral campaigns and contribute to inciting hatred. Demonstrations by political movements encouraging people to protest against Roma and the production and dissemination of material inciting violence (“games” on Facebook, blogs and flyers against Roma and camps) are dangerously common in Italy.

19. Public figures continue to denigrate Roma in their rhetoric. In September 2012, the former deputy Mayor of Milan, Riccardo De Corato, said “Roma families live off of

²³ La Repubblica.it, Poggioreale i rom in fuga da un campo dopo scontri con i residenti, 12 March 2014, available at: http://napoli.repubblica.it/cronaca/2014/03/12/news/poggioreale_ assalto_a_campo_rom_per_ una_16enne_molestata-80798551/.

²⁴ European Roma Rights Centre, “Italian Authorities Must Protect Roma Facing Violence in Pescara”, 18 May 2012, available at: <http://www.errc.org/article/italian-authorities-must-protect-roma-facing-violence-in-pescara/3989>.

²⁵ 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.

²⁶ European Roma Rights Centre, “Italian Authorities Urged to Investigate Destruction of Roma Camp”, 15 December 2011, available at <http://www.errc.org/article/italian-authorities-urged-to-investigate-destruction-of-roma-camp/3950>.

²⁷ European Roma Rights Centre, 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, See also Human Rights Watch, *Everyday Intolerance Racist and Xenophobic Violence in Italy*, available at: <http://www.hrw.org/sites/default/files/reports/italy0311WebRevised.pdf>.

²⁸ “Public figures are persons holding public office and/or using public resources and, more broadly speaking, all those who play a role in public life, whether in politics, the economy, the arts, the social sphere, sport or in any other domain” in Resolution 1165 (1998) of the Parliamentary Assembly of the Council of Europe on the right to privacy, Point 7, and in Paragraph 71: ECHR, CASE OF VON HANNOVER v. GERMANY (no. 2), applications nos. 40660/08 and 60641/08, 7 February 2012.

the begging of children, women and old people: they are cruel to each other. We must send a strong message. And remember that the integration does not work on large numbers”.²⁹ In May 2012 one of the biggest Italian political parties, Partito della Libertà, put up anti-Romani posters in Pescara. The posters said: “PdL keeps its commitments. Roma and delinquents out of social housing”.³⁰ On 9 February 2011 Tiziana Maiolo, the former town Councillor of Milan said “All ethnicities can be integrated except for the Roma [...] it is easier to educate a dog than Roma.”

20. Political parties also exploit anti-Roma sentiments in the population to win popular support during electoral campaigns, and contribute to inciting hate.³¹ In 2011 Lega Nord’s campaign materials in Milan – notably posters on walls and vehicles – warned that the city would turn into a “Gypsytown” (*zingaropoli*) if the rival political candidate won.³² The Council of Europe’s Committee of Social Rights found the Italian authorities had violated the Revised European Social Charter, and, in particular, found an aggravated violation of article E (prohibition of discrimination), condemning the Italian authorities’ use of xenophobic political discourse against Roma and Sinti.³³
21. On the occasion of his visit to Italy in 2012, the Council of Europe’s Human Rights Commissioner Nils Muižnieks pointed out the need to increase the monitoring of hate crimes and to ensure that prosecutors and judges take into account the number of racist crimes, also calling on the Italian authorities to promote greater awareness of the need to combat all manifestations of racism and racial discrimination, and greater awareness of possible remedies available to the victims.³⁴

Recommendations

General:

- Implement complex housing, employment, education and health projects to promote real inclusion of Roma as the NRSI prescribes.

Housing, Education and Health:

- 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;

²⁹ Il Giornale.it, “Sgomberati i campi di Rubattino: il Comune vuole piazzare 60 rom, 28 September 2012, available at: <http://www.ilgiornale.it/news/sgomberati-i-campi-rubattino-comune-vuole-piazzare-60-rom-841529.html>.

³⁰ PrimaDaNoi.it, “«Via i rom e delinquenti», bufera sui manifesti del Pdl. Rifondazione: «imbecilli». Sito neonazista applaude”, 23 May 2012, available at: <http://www.primadanoi.it/news/527145/%C2%ABVia-i-rom-e-delinquenti%C2%BB-i-manifesti-del-Pdl-fanno-gridare-al-razzismo.html>.

³¹ Council of Europe, *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>.

³² See at: <http://festaantileghista.wordpress.com/tag/zingaropoli/>.

³³ European Committee of Social Rights, Decision on the merits 25 June 2010 on the complaint *COHRE v. Italy*, 29 May 2009, complaint no. 58/2009, available at: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC58Merits_en.pdf.

³⁴ Commissario per i diritti umani, *Rapporto di Nils Muižnieks Commissario per i Diritti Umani del Consiglio d'Europa a seguito della visita in Italia dal 3 al 6 luglio 2012*, 18 September 2012.

- End forced evictions, which, among other problems, disrupt children's ability to attend school, and improve the conditions of Roma living in temporary shelters;
- Bring to justice public officials and other actors responsible for forced evictions in breach of national or international law;
- Ensure family unity and privacy in all offers of alternative accommodation;
- Conduct outreach campaigns encouraging Roma to access regular primary health services;
- Ensure that issues such as legal status and lack of information about how to access health-care services are addressed.

Violence and Hate speech:

- Publicly condemn and sanction 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;
- Re-establish adequate penalties against incitement to racial discrimination and violence;
- Effectively and proactively implement the anti-discrimination law.