



ASSOCIAZIONE 21 LUGLIO

**Submission to the UN Human Rights Committee Concerning
Italy**

119th Session – 06 March to 29 March 2017

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INTRODUCTION

Associazione 21 luglio Onlus is an independent¹ non-governmental organization committed to the promotion of Roma and Sinti rights in Italy and to the protection of the individuals and groups in extreme segregation conditions 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), Italian Coalition for Civil Rights and Freedoms (CILD), Gruppo CRC (Working Group for the Convention on the Rights of the Child) and Associazione Carta di Roma.

Associazione 21 luglio submits this parallel report to the kind attention of United Nations Human Rights Committee at its 119th session (06 March – 29 March 2017), when the sixth periodic report submitted by Italy on the 8th October 2015 (CCPR/C/ITA/6) will be under review. Associazione 21 luglio submission focuses on issues concerning Roma and Sinti communities living in Italy, providing first-hand information and highlighting the main factors of concern in relation to the application and national implementation of the International Covenant on Civil and Political Rights in Italy². Associazione 21 luglio as a member of the civil society shares the concerns expressed on the issues of hate speech, hate crime and of the general segregating living situation of Roma and Sinti people in Italy as well as the recommendations provided at its 2513th and 2514th meetings, held on 8 December 2016, by the Committee on the Elimination of Racial Discrimination in its concluding observations of the combined nineteenth and twentieth periodic reports of Italy (CERD/C/ITA/19-20)³.

In consideration of the periodic report submitted by Italy to the UN Human Rights Committee at its 119th session, Associazione 21 luglio, concentrates its attention to Articles 12, 21, 22 of the concluding observations (CCPR/C/ITA/CO/5) on 24 April 2006 adopted by the Human Rights Committee in the 85th session at its 2335th meeting (CCPR/C/SR.2335) on 2 November 2005, in relation to the fifth periodic report of Italy (CCPR/C/ITA/2004/5). Following the Human Rights Committee's request for a Country Report Task Forces for the adoption of lists of issues during the 117th session (20 June – 15 July 2016) and considering the Replies to the List of Issues in relation to the sixth periodic report of Italy (15 November 2016 - CCPR/C/ITA/Q/6/Add.1) Associazione 21 luglio shares concerns of the Human Rights Committee and draws specific attention to the following Issues:

- **Non-discrimination, equality between men and women, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 23, 25, 26 and 27):**

LOI 6 - Combating stigmatization, stereotyping and racially pejorative discourse against Roma, Sinti, Caminanti and non-citizens, including asylum seekers; increasing convictions and prosecutions for

¹ In order to maintain its independence, Associazione 21 luglio cannot access Italian public funding by statute.

² The information contained in this submission, unless otherwise stated, result from Associazione 21 luglio's constant first-hand monitoring activity and are supported by the relevant documentation stored in the organization's archive.

³ Observations adopted following the monitoring cycle of Italy during its 91st session of the Committee on the Elimination of Racial Discrimination (CERD/C/ITA/CO/19-20) on 9 December 2017, http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/CERD_C_ITA_CO_19-20_26015_E.pdf.



racially motivated crimes, including racist hate speech and hate crimes on grounds of sexual orientation and gender identity;

LOI 8-9 - Adoption of legislative framework to recognize Roma, Sinti and Caminanti as national minorities and implementation of the national strategy for the inclusion of Roma, Sinti and Caminanti 2012-2020; measures taken to address human rights violations of the Roma community under the Nomad Emergency Decree; forced evictions of Roma and Sinti families in Italian municipalities and the segregation of Roma living in poor conditions in remote and inaccessible camps.

Combating Stigmatization, Stereotyping, Hate Speech and Hate Crimes

Anti-gypsyism is a specific form of racism⁴ and a powerful obstacle in preventing Roma and Sinti inclusion⁵. Routine violent attacks against Roma and Sinti settlements and individuals⁶ and occasional episodes of collective hysteria⁷, are exemplificative indicators of the broad diffusion and deep rooting of anti-Roma sentiments in the Italian society. A research published in June 2015 by the Pew Research Center reported that 86% of the respondents in Italy hold a negative opinion about Roma⁸. Among the different forms that anti-gypsyism can acquire, hate speech against Roma is the most pervasive in the Italian context. These episodes are usually not promptly and firmly condemned by Government officials, politicians and relevant head of political parties.

The data collected by Associazione 21 luglio, through the National Observatory on Hate Speech against Roma, confirm that hate speech targeting Roma is a deep-rooted and endemic phenomenon in Italy, mainly

⁴ ECRI, General Policy Recommendation no. 13: On Combating Anti-Gypsyism and Discrimination Against Roma, June 2011.

⁵ 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.

⁶ In recent years Italy witnessed various violent attacks against Roma and Sinti, among which: On 10 December 2011 a raging mob set a Roma settlement on fire 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_video/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>. More recent episodes are listed under the section "Violence" of the present submission.

⁷ Such as that sparked by the episode of a blond Roma child living in Greece with a couple who resulted not to have biological relationship with her (see: <http://www.theguardian.com/world/2013/oct/20/blonde-blue-eyed-girl-found-in-greek-gypsy-camp>). This episode triggered a series of irresponsible reactions: emblematic examples are the statements released by then-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>).

⁸ Pew Research Center, Report: Faith in the European Project Reviving, June 2015, available at: <http://www.pewglobal.org/2015/06/02/faith-in-european-project-reviving/>.



fueled by the political discourse at local level⁹. Pervasive hate speech against Roma and Sinti has three main dangerous consequences and acts as a powerful hindering factor in preventing Roma inclusion:

- It has a direct and blatant impact in terms of daily discrimination on the lives of those targeted;
- It acts as a powerful deterrent means for the administrators in charge to design and implement inclusion policies addressing Roma and Sinti;
- It gradually allows explicit racist rhetoric against Roma and Sinti to be increasingly accepted by the public opinion, paving the way to occasional violent drifts.

In nearly four years of activity (2013 – 31 December 2016), the Observatory recorded a total of 1.296 hate speech episodes against Roma and Sinti, 794 of whom deemed of particular gravity¹⁰. This results in a daily average of 3,5 episodes, or 2,2 limiting the analysis to the grave episodes. It is too early to assess the decrease in episodes occurred in 2015 and in 2016 as an indicator of a substantial change sustainable in time within the Italian society, as during the same period the political and public debate moved much of its attention towards the so-called “migrants issue”, resulting in the scapegoating of other vulnerable groups.

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 addressed. Hate speech against Roma and Sinti in Italy usually adopts indirect and subtle expressions of bias, rather than explicitly racial remarks, which can also become the substrate and produce ethnic and racial violence. Through its daily monitoring activity Associazione 21 luglio registers episodes of violence and violent attacks targeting Roma such as the episode on 28 April 2016 in Rome when, during the night, three paper bombs targeted a spontaneous Roma settlement in north Rome, the attackers fled the scene in a car. A woman of Romanian nationality was injured and taken to hospital. Police launched an investigation and arrested the driver of the car the following day (29 April), charging him with personal injuries aggravated by race discrimination motive¹¹.

Cases of hate speech adopting explicit and racist rhetoric may fall within the provisions set forth by the Law No. 205/1993 (and following amendments), for those cases adopting a more indirect and subtle expression of bias, the current Italian anti-discrimination framework does not provide for effective means – other than criminal law – to address and discourage them, leaving anti-gypsyism and its promoters enough space to irresponsibly fuel anti-Roma sentiments with blatant dangerous effects. The action of the National Office Against Racial Discrimination (UNAR) is considerably limited due to the lack of sanctionary and/or

⁹ The Observatory daily monitors around 120 sources and focuses on hate speech episodes promoted by politicians, elected officials, State officials, private citizens with a certain degree of formal organization (e.g. Committees, Unions, Corporations, etc.). For its categorization the Observatory relies on the relevant international, regional and domestic standards. See: <http://www.21luglio.org/osservatorio>. The results of the Observatory’s activity have been published in: Associazione 21 luglio, Anti-Gypsyism 2.0 – annual report 2012/2013, September 2013, available at: http://www.21luglio.org/wp-content/uploads/2013/09/Antiziganismo-2-0_def_edizione-web.pdf; Associazione 21 luglio, Anti-Gypsyism 2.0 – annual report 2013/2014, September 2014, available at: http://www.21luglio.org/wp-content/uploads/2014/09/Antiziganismo-2-0_13-14_web.pdf; Associazione 21 luglio, Rapporto annuale 2014, April 2015, available at: <http://www.21luglio.org/wp-content/uploads/2015/04/Rapporto-annuale-Associazione-21-luglio.pdf>; Associazione 21 luglio, Rapporto annuale, April 2016, available at: http://www.21luglio.org/wp-content/uploads/2016/04/Rapporto_annuale_2015_def_web.pdf.

¹⁰ Data disaggregated per year: 2013 – 456 episodes, of which 255 categorized as grave; 2014 – 400, of which 191 categorized as grave; 2015 – 265 episodes, of which 146 categorized as grave; 2016 (1 January – 31 December) – 175 episodes, of which 57 categorized as grave.

¹¹ See: <http://www.romatoday.it/cronaca/bombe-carta-viadotto-gronchi-insediamento-abusivo.html>.



deterrent means to address and discourage episodes of this kind¹². The only direct action UNAR can undertake is in practice limited to sending “moral suasion” letters to the targeted recipients. From the information available to Associazione 21 luglio, resulting from nearly four years of constant engagement with UNAR, when no reply of any kind is received from a recipient of a “moral suasion” letter, the Office proceeds to archive the episode having exhausted its possible means of intervention¹³, an outcome that could hardly be deemed satisfactory.

Implementation of the National Strategy for the Inclusion of Roma, Sinti and Caminanti 2012-2020 and forced evictions of Roma and Sinti families in Italian municipalities.

According to the most recent estimates, approximately 180.000 Roma and Sinti live in Italy, constituting approximately 0,25% of the total population¹⁴, and approximately 60% of them are minors¹⁵. Concerning the Roma and Sinti living in “authorised” Roma-only settlements (the so called “nomad camps” or “Roma camps”), 51% of them live in the Lazio, Piemonte and Lombardia Regions, 25% in the Lazio Region alone¹⁶. A crucial factor which complicates the implementation of effective inclusive policies is the substantial lack of disaggregated data regarding the Roma and Sinti communities living in Italy¹⁷.

In 2008 the Italian Government declared the “Nomad Emergency”, a state of emergency «with regard to settlements of nomad communities»¹⁸. Following a legal proceeding filed by a NGO¹⁹, 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 power²⁰. 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”²¹.

In February 2012 Italy submitted its National Roma Integration Strategy (NRIS) to the European Commission²². Despite lacking an effective monitoring and evaluation mechanism and a set of quantifiable objectives and result indicators, the document foresees a set of integrated policies focusing on four key

¹² In various meetings with Associazione 21 luglio UNAR representatives repeatedly highlighted the lack of available instruments to effectively tackle these kind of episodes. For more detailed information about UNAR, please refer to the dedicated section within this submission.

¹³ Through its National Observatory Against Hate Speech, Associazione 21 luglio routinely reports to and engage with UNAR.

¹⁴ Council of Europe, Estimates and official numbers of Roma in Europe, July 2012.

¹⁵ 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.

¹⁶ Strati F. (SRS), Italy – Promoting Social Inclusion of Roma, a study of national policies, European Commission, July 2011.

¹⁷ The lack of data has also been highlighted 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.

¹⁸ 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.

¹⁹ European Roma Rights Centre.

²⁰ Council of State, Section IV, Judgement No. 6050/2011 of 16 November 2011.

²¹ Supreme Court of Cassation, Judgement No. 9687/2013 of 22 April 2013.

²² Italian National Strategy for the Inclusion of Roma, Sinti and Caminanti, February 2012.



areas (Housing, Employment, Education, Health) and recognizes the inadequacy of the “camp”²³ policy and the excessive use of forced evictions against Roma and Sinti settlements and its substantial inadequacy²⁴.

Governance

After more than four years since its adoption, the main factors delaying and undermining the concrete implementation of the NRIS are of a structural kind, meaning that the main difficulties concern the establishment of those structural preconditions necessary for a homogenous and effective implementation of the NRIS on the ground. The NRIS lacks to clarify the modalities to ensure the implementation of the foreseen actions, it does not specify the responsibilities and does not provide for a clear communication framework (vertical and horizontal). Moreover, administrative and organizational complications hindered the coordination among the different level of governance of the NRIS.

Concerning monitoring and evaluation (M&E) activities, the NRIS does not define the responsibilities, the structures, the mechanisms and the instruments to perform the M&E of Roma inclusion policies and the National Contact Point is not in the condition to bridge this gap, for various reasons. Firstly, the NRIS is a strategic and programmatic document that lacks aspects related to its operational transposition at the different levels (national, regional, local). Secondly, given the top-down approach which characterizes the involvement of local authorities, civil society organizations and other stakeholders, there is a limited knowledge of the concrete dynamics at the local level, that otherwise would be extremely helpful in assessing the measurable impacts of the actions implemented on the ground.

Housing

The main national policies do not present elements in blatant contrast with the NRIS, but within the Italian decentralization context local authorities have a certain degree of autonomy in designing and implementing local policies²⁵. At the same time, it must be stressed that the local level assumes a fundamental importance for a concrete implementation of the NRIS through effective measures. Within this framework, and in lack of a mechanism of accountability, the local authorities have a degree of discretion which can lead to the implementation of policies in contrast with the principles of the NRIS. The following part highlights the housing policies targeting Roma implemented by some Italian local authorities starting from 2012, which contrast with the NRIS as they reiterate housing and social segregation through the construction or the extraordinary refurbishment of Roma-only “authorised” settlements.

The list²⁶ provides the following information: year, typology, name (amount of funding), number of persons affected, place.

a) CONSTRUCTION COMPLETED:

- 2012: Roma-only settlement, La Barbuta (approximately 10.000.000 €), approximately 600 persons, Rome.

²³ Since the 80s, as it will be further discussed in a following section of this submission, Italian authorities started to build and manage the so called “nomad camps”, authorised settlements directly managed by the authorities and explicitly addressed to accommodate only Roma, under the wrong perception that Roma are an homogeneous group pursuing a nomadic lifestyle.

²⁴ Forced evictions usually target inhabitants of informal settlements, which differ from the “authorized” settlements as they are not directly managed by the authorities and usually rise on occupied land presenting makeshift dwellings which, despite some exceptions, averagely house small group of peoples.

²⁵ See: Italian Constitution, Part II, Title V.

²⁶ All the documentation concerning the listed measures, including projects and related official documents, are available in Associazione 21 luglio’s archive.



- 2012: Roma-only reception facility, Best House Rom (yearly management: 2.623.000 €; costs for the refurbishment of the building: N/A), approximately 320 persons, Rome.
 - 2012: Roma-only reception facility, Centro Grazia Deledda (1.671.472 €), approximately 100 persons, Napoli.
 - 2013: Roma-only settlement, Masseria del Pozzo (379.210 €), approximately 370 persons, Giugliano (NA).
 - 2013: Roma-only reception facility, Lombroso (200.000 €; 782.000 € yearly expense for the management), 148 persons, Milan. According to the authorities, this facility should provide a temporary and intermediate shelter for Roma families who are part of social inclusion projects. It is a monoethnic settlement (Roma-only) and the housing units are containers.²⁷
 - 2014: 2 Roma-only settlements, Ex scuola Cortile + Magazzino ex colombofila (94.400 €, the housing units are of property of the Roma families and have been moved from the previous settlement), 71 persons, Carpi (MO).
 - 2014: Roma-only settlement, Villaggio Martirano (2.252.000 €), 90 persons, Milan.
 - 2014: Roma-only settlement, Nuovo Panareo (596.331 €), approximately 120 persons, Lecce.
 - 2015: Roma-only temporary tent settlement, Tendopoli rom Cosenza (415.000€), approximately 450 persons, Cosenza²⁸.
- b) UNDER CONSTRUCTION:
- 2014: Roma-only settlement, Nuovo campo sinti (1.350.000 €), 49 persons, Merano.
 - 2015: Roma-only settlement, Brusigliano (500.000 €), 65 persons, Pistoia.
 - 2016: Roma-only settlement, via del Riposo (549.688 €), 168 persons, Napoli.
 - 2016: Roma-only settlement, Passo Martino (N/A), 200 persons, Catania.
- c) EXTRAORDINARY REFURBISHMENTS (the intervention foresees the temporary transfer of the inhabitants to another shelter, the costs are related to the extraordinary maintenance expenses only):
- 2012: Roma-only settlement, Piandanna (N/A), 60 persons, Sassari. CONCLUDED
 - 2013: Roma-only settlement, via Guerra (280.000 €), 175 persons, Asti. CONCLUDED
 - 2013: Roma-only settlement, Fontanassa (100.000 €), approximately 70 persons, Savona. ONGOING
 - 2014: Roma-only settlement, Via Germagnano (about 400.000 €), 160 persons, Turin. ONGOING
 - 2014: Roma-only settlement, Strada Aeroporto (about 400.000 €), 120 persons, Turin. ONGOING
 - 2014: Roma-only settlement, Via Cricoli (309.000 €), 100 persons, Vicenza. CONCLUDED
 - 2015: Roma-only settlement, Cornocchio (31.488 €), 51 persons, Parma. ONGOING
- d) IN ADVANCED PLANNING (project approved, construction not started yet):

²⁷ In 2015 the facility also started to host non Roma families evicted from social housing units. The facility was closed in March 2016.

²⁸ The tent settlement was subsequently forcibly evicted on 12 October 2015, with many families rendered homeless.



- Roma-only settlement, Al Karama (1.280.000 €), approximately 350 persons, Latina.
 - Roma-only settlement, Brusigliano (500.000 €), 65 persons, Pistoia.
 - Roma-only settlement, Cupa Perillo (7.015.996 €), 400 persons, Naples²⁹.
 - Roma-only settlement, Giugliano (1.315.418 €), 260 persons, Giugliano (NA). In the plans of the administration this is the location indicated for the former inhabitants of Masseria del Pozzo (see point a), who were forcibly evicted from the authorized camp in June 2016 and temporarily re-housed in an abandoned industrial facility in blatant sub-standard conditions, while waiting for the construction of the new settlement. The construction of the new settlement is partially funded by the Ministry of Interior³⁰.
 - Roma-only settlement, Sesto Fiorentino (517.188 €), 66 persons, Sesto Fiorentino (FI).
 - Roma-only settlement, Bolzaneto (N/A), 170 persons, Genova.
 - Roma-only settlement, Barletta (100.000 €), 7 persons, Barletta.
 - Roma-only settlement, XV Council of Rome (1.270.069 €), 120 families, Rome³¹.
- e) UNDER DEBATE:
- Roma-only settlement, Scordovillo, (N/A), 390 persons, Lamezia Terme.
 - Roma-only settlement, Moncalieri (N/A), 114 persons, Moncalieri (TO).
- f) NEW AD-HOC REGULATIONS – While most of the Roma-only settlements have internal ad-hoc regulations generally foreseeing collective expulsion³² clauses and more restrictive rules than those related to social housing, in some cases these regulations have been drafted and adopted subsequently to 2012:
- San Damiano d’Asti – The new regulation of the Roma-only settlement (90 persons) was adopted on 10 April 2014, foreseeing the immediate expulsion of the entire family in a number of circumstances, through a process which did not provide for appropriate procedural safeguards.
 - Vicenza – The municipality adopted a new regulation for the recently refurbished Roma-only settlement of via Cricoli on 16 March 2016. The regulation provides for collective expulsion clauses, and sets a monthly rent determined by the same commission in charge of reviewing social housing rents.

²⁹ The Municipality of Naples intended to build the new Roma-only settlement making use of the 2007 – 2013 European Regional Development Funds. A coalition of NGOs, among which Associazione 21 luglio and ERRC, addressed the EU Commission with a letter of concern, highlighting the incompatibility of the main features of the project with the EU legislation and with the EU guidelines on ERDF. The EU Commission acknowledged the incompatibility of the project with ERDF guidelines. The case was also publicized as an example of tentative misuse of EU funds by the EU ombudsman, see: <http://www.ombudsman.europa.eu/en/press/release/faces/en/59897/html.bookmark>. The project for the new settlement is

presently frozen; the Municipality has already stated its intention to re-propose it.

³⁰ On 4 February 2016 the Municipality of Giugliano, the Campania Region and the Ministry of Interior signed a “protocol of understanding” to build the new Roma-only settlement.

³¹ The public notice issued by the Municipality of Rome on 8 July 2016 aims at «locating an equipped area in the territory of Rome’s Council XV or bordering Councils for the reception and residence of 120 families of Roma ethnicity and assignation of the social management and surveillance services». The money allocated is intended to cover the period 1 October 2016 – 31 December 2017.

³² In most of the cases housing units are assigned to the “head of the family” and the breach of the regulations by an individual member results in the collective expulsion of the whole family. These expulsions are carried out through a process that do not provide for the same procedural guarantees foreseen by the administrative procedure leading to evictions from social housing or from privately rented housing.



- Selargius (CA) – In December 2015 the Municipality adopted a new regulation for the Roma-only settlement currently hosting approximately 100 persons. Among the admission criteria the regulation states: «being of Romani ethnicity», further listing a set of particularly restrictive collective expulsion clauses (such as criminal convictions or insufficient school attendance of children) that are not traceable in social housing regulations.

g) FURTHER SEGREGATING POLICIES IN ROME AND IN GIUGLIANO, NAPLES:

- Closure of the ex-Cartiera Roma-only reception facility – On 9 March 2016 Roma Capitale Police Officers delivered a letter with subject “dismissal” to the 388 residents of the ex-Cartiera Roma-only reception facility in Rome. The ex-Cartiera was a segregated reception facility managed by Rome’s municipality located at the outskirts of Rome, next to a garbage treatment facility, with blatant sub-standard conditions. From 8 April 2016 to 10 June 2016 representatives of the Social Policy Department of Rome periodically went to the Ex-Cartiera offering alternative housing to families in: Camping River Roma-only authorised settlement; Gordiani street Roma-only authorised settlement; Salone street Roma-only authorised settlement; Amarilli street Roma-only reception facility; Chiffi street emergency reception facility. Resuming the assignments of housing units inside authorised segregated settlements equates to reiterating the same conduct that the Civil Court of Rome already ruled discriminatory in relation to the La Barbuta authorised Roma-only settlement in May 2015³³. The facility closed on 1 August 2016, 38 persons, including ten minors, who did not accept any of the housing solutions offered, deeming them inadequate, were rendered homeless.
- The manifestation of interest for new Roma-only reception facilities – On 15 March 2016 the Municipality of Rome issued a manifestation of interest aimed at finding structures to be used as Roma-only reception facilities (“Manifestazione di interesse per il reperimento di strutture da adibire a centri di accoglienza per l’affidamento del servizio di accoglienza e gestione sociale in favore della popolazione rom”)³⁴. The manifestation of interest and the linked executive decision explicitly mention that the structures will be used as Roma-only reception facilities. The section “Actions” of the manifestation of interest states the temporary nature of the stay in the reception facilities. A public session was held on 23 November 2016 in order to examine the candidatures that the Department of Social Affairs, Subsidiarity, and Health of the Commune of Rome had received. In that occasion it emerged that three Associations presented a manifestation of interest aimed at finding structures to be used as Roma-only reception facilities. The reception facilities proposed by the three Associations are: Via Amarilli, a former Roma-only reception facilities closed on 30 October 2016, that can host 131 people in 16 rooms, Via Toraldo that can host 107 people in 30 rooms and three private apartments in Via Statilio Ottato where a total of 15 people can be hosted.
- The new public notice for managing Roma-only settlements – On 19 February 2016 with executive decision no. 4077 the Municipality of Rome issued a notice for the assignment of the

³³ Court of Rome, II Civil Division, Case no. 17035/2012 Associazione 21 luglio and ASGI v. Municipality of Rome et al., ruling of 30 May 2015; the ruling of the Court recognized “the discriminatory character with indirect nature of the overall conduct carried out by Roma Capitale as described in the reasoning, namely the attribution of residential units in the equipped village La Barbuta.

³⁴ See: https://www.comune.roma.it/resources/cms/documents/Avviso_pubblico_reperimento_strutture_idonee_centri_Accoglienza_a_popolazione_Rom_indagine.pdf.



“social management, vocational training, small maintenance interventions and surveillance of the villages of Roma Capitale”³⁵. The notice concerns the implementation of the aforementioned services in six Roma-only authorised settlements (Lombroso, Salone, Gordiani, Candoni, La Barbuta, Castel Romano), from 1 April 2016 to 31 December 2017. The overall amount foreseen by the notice is 5.022.045,59 € plus VAT. Although the NRIS is repeatedly mentioned within the notice, the proposed measures for the management of the Roma-only authorised settlements do not differ in substance to what has been implemented so far and is essentially a reiteration of an emergency and assistance approach. Moreover, under the sections “Promotion of Security” and “Surveillance” the notice foresees a set of measures such as: 24/7 surveillance of the entrance to the settlements, with the aim to keep track of people entering and exiting as well as the maintenance of a database of the residents within, inevitably on an ethnic basis; strict regulations concerning external visitors, who have to be issued a temporary pass. These measures excessively limit privacy and personal freedom and are in blatant breach of Art. 16 of the Italian Constitution (Freedom of movement), as which have also been recognized by the Italian Administrative Court (ruling no. 6352/2009) when called to rule on similar clauses contained in the ad-hoc regulations issued during the “Nomad emergency”. Lastly, the executive decision no. 4077 explicitly states that «it remains necessary to guarantee the continuity and the best possible socio-assistance and control conditions in the equipped villages, as these are undergoing refurbishment and extraordinary maintenance with the aim to relocate inside them Roma affected by eviction operations». This explicitly reaffirms the systematic practice of re-housing Roma in segregated sub-standard housing, keeping them separated from the rest of society and marginalised in a parallel housing system, which deeply undermines their possibility to positively integrate. The newly elected administration of Rome, which took office in June 2016, did not repeal the notice, and on 20 September 2016 the offers received were evaluated³⁶.

- Construction of Roma-only settlement in Giugliano - Regarding the construction of Roma-only settlement in Giugliano (NA), 260 persons, the plans of the administration should have been to move here the former inhabitants of Masseria del Pozzo, who were forcibly evicted from the authorized camp in June 2016 and temporarily re-housed in an abandoned industrial facility in blatant sub-standard conditions, waiting for the construction of the new settlement³⁷. The construction of the new settlement is partially funded by the Ministry of Interior³⁸. Moreover, the proposal for an advisory referendum on the construction of a Roma-only settlement in Giugliano (NA) was declared inadmissible on 27 October 2016 by the Prefecture of Naples, stipulating the impossibility of calling for forms of popular consultation when involving “limitations of individual rights of the person”. The motivation that led to the rejection of the referendum proposal by the Interior Ministry was that the consolidated text on the regulation

³⁵See: https://www.comune.roma.it/resources/cms/documents/DD_4077_2016.pdf.

³⁶See: https://www.comune.roma.it/resources/cms/documents/Procedura_aperta_affidamento_servizio_gestione_villaggi_di_Roma_Capitale_DISCIPLINARE_GARA.pdf.

³⁷ See: http://st.ilfattoquotidiano.it/wp-content/uploads/2016/02/DELIBERA DELLA GIUNTA REGIONALE DIP54_11_N_815_DEL_23-12-2015.pdf.

³⁸ See: <http://www.regione.campania.it/it/news/comunicati-2015-i0eq/29-12-2015-comunicato-stampa-n-1177-campo-rom-di-giugliano-nota-della-regione>.



of local authorities, in providing forms of popular consultation, is limited to exclusive local competence³⁹. In the light of the aforementioned, the referendum proposal was rejected.

Housing Segregation

Since 1984⁴⁰ 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 erroneous conviction that Roma and Sinti are “nomads”⁴¹, 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 laws⁴² have a common thread: they foresee the design and construction of “authorised” settlements (so-called “Roma camps”) specially tailored for Roma and Sinti communities, thus promoting and justifying residentially segregating policies. Even if initially the realization of “authorised” settlements 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. 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, and it has been repeatedly urged by a number of human rights monitoring bodies to put an end to discriminatory practices and policies affecting Roma living within its territory. The Italian authorities have repeatedly failed to meet these international obligations and recommendations, as they continue with the practice to officially construct and manage “authorised” settlements, and to provide Roma and Sinti families with housing units inside them. The “authorised” settlements 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 system⁴³. In many Italian municipalities an ad-hoc “Roma Office” is in charge of the

³⁹ See: <http://www.internapoli.it/49763/giugliano-referendum-sul-campo-rom-arriva-lo-stop-dal-ministero-ecco-il-motivo>.

⁴⁰ 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” (repealed by law 11/2015); 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” (abrogated on 30 June 2015); 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 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”.

⁴¹ The practice by 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 still occasionally referred to as “nomads”, see:

http://www.istruzione.it/allegati/2014/Notiziario_Stranieri_13_14.pdf.

http://www.istruzione.it/allegati/2015/Notiziario_Alunni_Stranieri_1415.pdf. In 2015 Associazione 21 luglio tracked twelve Municipalities having ad-hoc offices or services dedicated to “nomads”: Turin, Milan, Naples, Palermo, Bologna, Cagliari, Reggio Emilia, Padova, Parma, Rovereto, Asti, Collegno.

⁴² With the exception of the laws of the Region Toscana, of the Autonomous Province of Trento and of the new law of Emilia Romagna Region, which, even if presenting some objectionable issues, propose a diversified range of housing solutions, and aim at overcoming the mere assistance approach.

⁴³ While the public notices do not include any clause directly excluding Roma from applying for social housing, in practice they hardly meet the criteria needed in order to obtain a high score in the rankings and have a social housing unit assigned (e.g. the



management of the settlements and of the assignation of the housing units. On 30 May 2015 the Civil Court of Rome ruled the discriminatory nature of institutional segregation inside a Roma-only “authorised” settlement, with regard to the La Barbuta settlement in Rome⁴⁴. In April 2012 the NGOs ASGI (Association for Legal Studies on Immigration) and Associazione 21 Luglio took legal action against the City of Rome to stop the construction of La Barbuta Roma-only settlement⁴⁵. As argued in the complaint, the Court stated that the construction of the “village” La Barbuta was discriminatory in nature, and therefore unlawful by the mere fact that a specific ethnic group was being segregated from the local population through the provision of housing from the Municipality⁴⁶.

Placing Roma in Roma-only “authorised” settlements, shelters or any other mono-ethnic housing solution fosters social exclusion and is contrary to a range of international obligations and to the Race Equality Directive 2000/43 that prohibits discrimination in housing. The resettlement into “authorised” settlements of high numbers of forcibly evicted Roma during the “Nomad emergency” resulted in further deteriorating their housing conditions. The Italian authorities committed to overcome discriminatory segregation and sub-standard housing conditions in “authorised” settlements with the approval of the National Roma Integration Strategy. Despite this commitment, the national Government has not implemented any concrete measure to eradicate housing segregation and the persistence of segregated housing policies⁴⁷ addressed towards Roma and Sinti throughout Italy continues to attract criticisms from a number of human rights monitoring bodies also in recent years⁴⁸. According to a mapping performed by Associazione 21 luglio, Italy currently manages 145 “authorised” Roma-only settlements throughout Italy⁴⁹. Housing

housing sub-standard conditions of the “authorized” settlements are not taken into consideration, being forcibly evicted from a spontaneous settlement does not count as being evicted from a conventional house, the assignation of a housing unit in an “authorized” settlement is already deemed as a kind of institutional assistance and thus does not allow for a high score), or they lack some of the requirements to apply at all (e.g. citizenship, formal residency, permit of stay with a duration of more than one year), thus only few Roma families succeeded in being assigned a social housing unit. The municipality of Rome merits a specific focus, as in early 2013 the Department for Housing Policies issued a discriminatory circular explicitly excluding Roma residing in “authorized” settlements from having recognized a high score in the rankings for social housing units (see: <http://www.errc.org/article/italy-municipality-of-rome-denies-social-housing-to-roma-living-in-formal-camps/4096>). Following the intervention of international and national NGOs, the Municipality withdrawn the circular and ceased its effects. Despite the positive development, it must be stressed that only few of the Roma living in “authorized” settlements in Rome meet the eligibility criteria (e.g. residency, stay of permit for more than 1 year, ID papers) for applying for a social housing unit, thus, with the present criteria, social housing cannot be identified as the unique response in order to desegregate Roma communities living in “authorized” settlements.

⁴⁴ Civil Court of Rome, II Section, Ordinance of 30 May 2015.

⁴⁵ This lawsuit was supported by Amnesty International (AI), European Roma Rights Centre (ERRC) and Open Society Foundations (OSF).

⁴⁶ The Court stated that «It must indeed be considered as discriminatory any large scale housing solution directed only at persons belonging to the same ethnic group, especially if realised, as in the case of the settlement site in La Barbuta, in order to hinder cohabitation with the majority population, and in terms of equal access, to fair conditions, to education and social health services located in an area where there is a serious risk to the health of persons residing there» and thus acknowledged «the indirect discriminatory nature of the Rome Municipality’s behavior [...] that it expressed in the allocation of housing in the formal camp La Barbuta», and therefore ordered the City of Rome to halt any future actions and adequately and fairly address the needs of the affected Roma community. This judgment applies also beyond the context of La Barbuta. See: http://www.21luglio.org/wp-content/uploads/2016/02/2016_2_9_Corsera_la-barbuta-campo-nomadi-condanna.jpg.

⁴⁷ It must be stressed that few municipalities started, or are currently in an advanced phase of debate, to de-segregate Roma communities from “authorised” settlements: Alghero, Lucca, Padova, Pavia, Parma, Prato, San Giuliano Terme.

⁴⁸ The following human rights monitoring bodies and mechanisms expressed concern and urged to end housing segregation of Roma communities in Italy in recent years (2012 – 2016): UN CERD (Concluding Observations, 2012); ECRI (4th and 5th monitoring cycles, 2012 and 2016); Universal Periodic Review (2nd Cycle, 2014); UN CESCR (Concluding Observations, 2015); Advisory Committee of the Framework Convention for the Protection of National Minorities (4th Opinion, 2016); Council of Europe Commissioner for Human Rights (various statements).

⁴⁹ The mapping is constantly updated and intended for internal use. It is not publicly available for privacy and security concerns.



segregation of Roma communities is a widespread and systematic issue and it is not just limited to the main Italian cities, as many medium-sized municipalities also manage Roma-only settlements.

Forced Evictions

When collectively evicting Roma and Sinti families, the Italian authorities hardly ever apply all the procedural protections foreseen by international instruments: in most of the documented cases, evictions are carried out in absence of formal eviction orders and without a formal notice, therefore impeding the access to a legal remedy, and without an adequate advance notification, in absence of any kind of consultation and without taking into consideration the individual circumstances of each family; often evictions result in the arbitrary loss of private property without compensation and in people being rendered homeless, as no adequate alternative housing solution is provided to those unable to provide for themselves. When alternative housing is offered, either it usually foresees the division of households (only mothers with children are offered temporary shelter in emergency structures), or it takes the form of a sub-standard and inadequate housing unit in a segregated Roma-only “authorised” camp or Roma-only reception facility. 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 place while further increasing the vulnerability and exacerbating the living conditions of those affected.

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);
- the forced eviction affecting approximately 140 Roma carried out in the EUR neighbourhood in Rome on 5 June 2013;
- the forced eviction occurred on 12 September 2013 in via Salviati in Rome (120 persons totally evicted);
- the forced eviction of approximately 700 Roma from two adjacent areas in the Certosa neighbourhood in Milan on 25 November 2013;
- the forced eviction carried out on 1 April 2014 in the EUR neighbourhood in Rome affecting approximately 140 persons;
- the forced eviction of approximately 120 Roma from a settlement close to the Marconi bridge in Rome on 29 April 2014; the forced eviction occurred on 11 August 2014 in via di San Dionigi (Milan) where approximately 300 Roma were living since 2003;
- the forced eviction of approximately 150 Roma from a settlement in the Magliana neighbourhood carried out on 28 August 2014;
- the forced eviction of 199 Roma from the section 1 of the Lungo Stura settlement in Turin occurred on 26 February 2015;
- the forced eviction of approximately 490 Romanian Roma from the Vaglio Lise settlement occurred on 25 June 2015 in Cosenza, subsequently relocated in a Roma-only sub-standard tent camp and then again forcibly evicted on 12 October 2015;
- the forced eviction on 15 March 2016 of 20 families from the via Idro settlement (Milan) who had been living there since 1989;



- the forced eviction of approximately 500 persons from via Mirri (Rome) on 10 May 2016; the forced eviction of more than 300 Roma from the Masseria del Pozzo settlement (Giugliano) on 21 June 2016;
- the forced eviction on 10 October 2016 of approximately 350 Roma from via Virginia Wolf informal settlement in the city of Naples. The families re-located themselves in either the via Traversa Cupa Cimitero informal settlement or the Gianturco informal settlement due to the lack of any alternative and adequate housing solution offered by authorities.

These recent examples of forced evictions highlight the systematic use of forced evictions that have been carried out by Italian authorities throughout Italy and mainly in the cities of Rome, Milan and Florence. From constant monitoring by Associazione 21 luglio in 2016 (January – December) there were, in Italy, 250 forced evictions: 100 in North Italy, 90 in Centre Italy and 60 in South Italy. In the city of Rome alone, from 1 January 2013 to 31 December 2016 a total of 196 documented forced evictions were carried out, affecting roughly 4.890 Roma overall. In 2013 the authorities of Rome carried out 54 documented forced evictions, affecting approximately 1.230 Roma, with an estimated total expense of 1.545.058 €, while in 2014 they forcibly evicted approximately 1.135 Roma during 34 documented forced evictions, spending approximately 1.315.000 €. In 2015, 80 documented forced evictions were carried out in Rome, affecting approximately 1.500 Roma, with an estimated total expense of 1.842.340 €. In 2016, (January – December) Rome authorities carried out 28 forced evictions affecting approximately 960 persons, spending roughly € 1.260.020,00. It must be stressed that reliable estimates attest the total Roma population residing in spontaneous settlements in Rome at about 2.200 - 2.500 individuals, 0,09% of the overall population, meaning that during the years the same persons have been repeatedly forcibly evicted from their settlements and their shelters repeatedly destroyed. In recent years, also the municipality of Milan systematically evicted Roma from their houses. In 2013, 108 forced evictions were carried out in Milan, affecting approximately 2.210 Roma, while in 2014 approximately 2.276 Roma were forcibly evicted during 191 operations⁵⁰. According to the Municipality of Milan, in 2015 470 evictions targeting Roma were carried out. In the city of Florence, Tuscany Region, there have been 23 evictions of Roma settlements from 25 May 2016 to 31 December 2016. Among these evictions there were also Roma from the Poderaccio Roma-only authorized settlement, a settlement which regularly hosts a total of approximately 450 Roma people. A total of 44 people, of which 22 minors, were evicted who were living in unauthorized shacks as well as caravans inside the settlement. Children and vulnerable individuals were offered reception in the structures indicated by the Social Services of the City of Florence.

Recommendations

In order to prevent and combat stigmatization, stereotyping, hate speech and hate crimes against Roma:

- Adopt necessary measures to ensure that domestic anti-discrimination legislation prohibits all forms of discrimination disabling the promotion or incitement to racial discrimination by public authorities or public institutions at both national and local levels;
- Ensure that all private and public actors, including politicians at all levels, are held accountable and sanctioned for the dissemination of all forms of racist speech and of ideas based on racial superiority or hatred concerning the Roma community;

⁵⁰ Naga, Nomadi per forza, March 2015, available at:
http://www.naga.it/tl_files/naga/comunicati/INVITI/Report_Nomadi%20per%20forza.pdf.



- Provide to public authorities, including politicians at all levels, a binding code of conduct to ensure the eradication of hate speech;
- Collect and publish disaggregated data concerning hate speech and crimes against Roma by establishing a coherent data collection mechanism to systematically record incidents of racist hate speech;
- Ensure that public authorities take necessary measures to guarantee the independence of UNAR so that it may implement its activities more efficiently.

In order to implement the National Strategy for the Inclusion of Roma, Sinti and Caminanti and to implement effective inclusion policies for Roma, and particularly on the necessity to overcome segregating housing solutions measures:

- Immediately integrate all shelters and overcome all Roma segregating camps to eliminate racially segregated shelters and settlements;
- Allocate funds to projects providing for integrated housing settings and inclusion paths ensuring family unity as well as ceasing the transfer of families on ethnic basis in sub-standard, inadequate and segregating housing;
- Establish, monitor and enforce conditions on the use of all housing-related funds, including prohibiting the use of funding to create or maintain segregated housing such as camps or shelters.

In order to cease forced evictions and secure full protection of Roma and Sinti families in Italian municipalities:

- Ensure that all Roma who may be evicted from their homes enjoy the full protection of the guarantees of national and international law;
- Immediately cease the systematic practice of forcibly evicting Roma without undertaking any of the measures required by international human rights law to provide socially and adequate housing inclusive alternatives consistent with the commitments on housing for Roma undertaken in the NRIS.