



## **ASSOCIAZIONE 21 LUGLIO**

**Submission to the UN Committee on the Elimination of Racial Discrimination  
Concerning Italy**

**91<sup>st</sup> Session – 21 November to 9 December 2016**

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# INTRODUCTION

Associazione 21 luglio ONLUS is an independent<sup>1</sup> 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), 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 routinely cooperates with the Human Rights Extraordinary Commission of the Italian Senate and with the Human Rights Commissioner of the Council of Europe, and it periodically submits information to the relevant Human Rights Monitoring Bodies. During recent monitoring cycles and thematic discussions Associazione 21 luglio submitted information to CERD, HRC (UPR), ACFCNM, ECRI, CESC, UN Special Rapporteur on Housing and UN Independent Expert on Minority Issues and supported the delegations in visiting Roma-only settlements in order to collect first-hand information. Associazione 21 luglio coordinated the "Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy in 2012 and 2013", performed on behalf of the Decade of Roma Inclusion, and it contributes to the European Commission's yearly monitoring of the implementation of the National Roma Integration Strategy.

Associazione 21 luglio kindly submits this document to the kind attention of the United Nations Committee on the Elimination of Racial Discrimination for its consideration during its 91<sup>st</sup> session, when the nineteenth and twentieth periodic reports submitted by Italy will be under review. This 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 of the International Convention on the Elimination of any Form of Racial Discrimination in Italy<sup>2</sup>.

According to the most recent estimates, approximately 180.000 Roma and Sinti live in Italy, constituting approximately 0,25% of the total population<sup>3</sup>, and approximately 60% of them are minors<sup>4</sup>. 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 alone<sup>5</sup>. While approximately half of the Roma and Sinti in Italy hold Italian citizenship, according to estimates there are at least 15.000 Roma who are stateless or at risk of statelessness, a condition preventing them to enjoy a wide range of fundamental rights<sup>6</sup>. 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 Italy<sup>7</sup>. Despite CERD's invitation to Italy «to compile disaggregated data on the ethnic composition of its population»<sup>8</sup>, no systematic action has been undertaken to fill this gap.

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

<sup>2</sup> 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.

<sup>3</sup> Council of Europe, Estimates and official numbers of Roma in Europe, July 2012.

<sup>4</sup> 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.

<sup>5</sup> Strati F. (SRS), Italy – Promoting Social Inclusion of Roma, a study of national policies, European Commission, July 2011.

<sup>6</sup> 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.

<sup>7</sup> The lack of data has been also 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.

<sup>8</sup> CERD/C/ITA/CO/16-18, para. 11.

# I. EXISTENCE AND APPLICATION OF LEGAL PROVISIONS

## A. INTERNATIONAL LEGAL INSTRUMENTS

Concerning the ratification of the Protocol No. 12 to the European Convention on Human Rights, a draft bill was assigned (12 November 2014) to the 3<sup>rd</sup> Commission of the Italian Senate (Foreign Affairs), but its examination has yet to begin. A similar draft bill of different initiative was assigned to the 3<sup>rd</sup> Commission of the Italian Chamber of Deputies on 14 October 2016, the examination has not begun yet. A draft bill concerning the ratification of the European Charter for Regional or Minority Languages is currently under exam by the Italian Senate's 1<sup>st</sup> and 3<sup>rd</sup> Commissions (Constitutional and Foreign Affairs, respectively)<sup>9</sup>. A draft bill concerning the ratification of the European Convention on Nationality was presented (27 October 2014) to the Italian Chamber of Deputies, but its examination has yet to begin pending the assignation to the relevant Commission(s). On 6 July 2016, the Italian Chamber of Deputies approved the draft bill on the ratification of the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, the text must now undergo approval by the Senate (assigned to the 2<sup>nd</sup> and 3<sup>rd</sup> Commissions on 12 July 2016, examination yet to begin). In December 2015, Italy ratified the 1961 Convention on the Reduction of Statelessness. A draft bill concerning the reform of the statelessness determination procedure was presented to the Italian Senate in late 2015, but its examination has yet to begin<sup>10</sup>. A draft bill reforming the Italian nationality law introducing a "temperate ius soli" principle was passed by the Italian Chamber of Deputies in October 2015 and then assigned to the 1<sup>st</sup> Commission of the Italian Senate (examination has yet to begin). Concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Italy, as stated in its reply to the 2014 UPR recommendations, has no intention to ratify it, arguing that its «legal framework already guarantees the rights of regular and irregular migrants»<sup>11</sup>. Despite CERD's recommendation resulting from the previous monitoring cycle and repeated commitments and pledges, Italy has not yet established a National Human Rights Institutions. The draft bill mentioned in Italy's interim follow-up report was never adopted as the XVI legislature ended on 14 March 2013<sup>12</sup>. Currently a draft bill is under examination in the Senate (draft bill no. S.1908), but its discussion never resumed after 15 December 2015.

## B. LEGAL FRAMEWORK ON DISCRIMINATION

### *Law 205/1993 (Mancino Law)*

In Italy 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. During the years, the provisions of law 654/1975 have been progressively weakened, first by the law n. 205/1993<sup>13</sup> 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

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<sup>9</sup> During the XVII Italian legislature 5 draft bills concerning the ratification of the European Charter for Regional or Minority Languages have been presented, but only two of them (S. 560 – Palermo and others, S. 1433 – Pegorer) extend the scope of application to Romani languages. On 10 March 2015 the bills were united and S. 560 was adopted as the text of reference. The examination is still pending and the last session was held on 28 April 2015. Another draft bill on the ratification of the European Charter for Regional or Minority Languages – not including any reference to Romani languages – was presented on 17 May 2016 and assigned to the 1<sup>st</sup> and 3<sup>rd</sup> Commission of the Senate, the examination has not started yet.

<sup>10</sup> The draft bill, prepared with the support of UNHCR and the Italian Committee for Refugees, was assigned to the 1<sup>st</sup> Commission of the Senate on 17 March 2016. For a comprehensive study on statelessness in Italy, the protection gap affecting unrecognized stateless persons and the inefficiencies of the existing statelessness determination procedure, see: European Network on Statelessness, Ending Childhood Statelessness: a Study on Italy, June 2015, available at: [http://www.statelessness.eu/sites/www.statelessness.eu/files/Italy\\_0.pdf](http://www.statelessness.eu/sites/www.statelessness.eu/files/Italy_0.pdf).

<sup>11</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Italy (Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review), 12 March 2015, para. 3.

<sup>12</sup> CERD/C/ITA/CO/16-18/Add. 1, para. 2.

<sup>13</sup> 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.

months or to an alternative fine up to 6.000 €<sup>14</sup>. In practice, Italian politicians found guilty of these crimes are not actually punished for their conducts<sup>15</sup>. Concerning politicians, aspects undermining the effectiveness of the provisions addressing incitement to discrimination and racial hatred and therefore fostering a climate of impunity, can be traced in measures such as the suspension of the judgement and other similar clauses. 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 Gypsyies, I destroyed two camps of Roma and Gypsyies in Treviso [...] I want to eliminate all the Gypsyies’ children who go to steal from elderly people». Mr. Gentilini maintained his post as deputy Mayor of Treviso until the following elections in July 2013, while regularly participating to public rallies releasing similar speeches with xenophobic and racist contents. He recently released the following statement: «I do not differentiate, sometimes a rotten apple affects also the others, so when I eliminated the nomad camps I eliminated a benchmark for criminal ethnicities. [...] Now on every newspaper you see Roma, because they steal, because they must abide by the State’s laws»<sup>16</sup>.

Moreover, when evaluating the circumstances of the episodes, the existing framework does not require the contextual factors, highlighted also in the CERD General Recommendation No. 35<sup>17</sup>, to be duly taken into account:

- The content and form of speech: whether the speech is provocative and direct, in what form it is constructed and disseminated, and the style in which it is delivered.
- The economic, social and political climate prevalent at the time the speech was made and disseminated, including the existence of patterns of discrimination against ethnic and other groups
- The position or status of the speaker in society (as for example politicians or elected officials) and the audience to which the speech is directed.
- The reach of the speech, including the nature of the audience and the means of transmission.
- The objectives of the speech.

Therefore, the legal framework under exam and the general climate of impunity<sup>18</sup> result in a lack of effective deterrent effects in relation to episodes of incitement to racial discrimination involving politicians, both as effective preventative means and in cases involving recidivist offenders. Under this framework it does not surprise to record various cases involving also renowned MPs (or MEPs), as for example:

- Gianluca Buonanno (MEP), 17 November 2014: «If you watch they have BMW and Mercedes, they have to explain me where they find money... They have more gold than a jewellery, they have to explain me how it works!

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<sup>14</sup> In July 2016, law 115/2016 amended article 3(3) of law 654/1975, introducing subsection 3bis which foresees a 2 to 6 years jail term when the propaganda or incitement – committed in a way that poses «concrete danger of diffusion» - are partially or fully based on denial of Holocaust, genocides, war crimes or crimes against humanity, as defined by the Rome Statute of the ICC.

<sup>15</sup> The Supreme Court of Cassation provided a clear definition of discriminatory propaganda, but in practice no measures are undertaken. See: Supreme Court of Cassation, Judgement n. 47894 of 22/11/2012 Ud., Rv. 254074.

<sup>16</sup> See: <http://www.la7.it/piazzapulita/video/il-vangelo-secondo-gentilini-serve-un-ritorno-all%E2%80%99ordine-09-03-2015-149379>.

<sup>17</sup> CERD, General Recommendation No. 35: Combating Racist Hate Speech, 26 September 2013.

<sup>18</sup> 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 Milan to become a “Gypsytown”. Despite being condemned by the Court (Court of Milan, ordinance of 26 May 2012), the term “Gypsytown” continues to be routinely adopted by various politicians in different parts of Italy.

They use children to steal in the streets as they are minors; for me there is something wrong in some chromosome»<sup>19</sup>;

- Ignazio La Russa (MP, formerly Defence Minister), 1 December 2014: «Romani people are culturally thieves. They don't do extortion but for example they steal copper all around [...] as we can say that culturally French are lovers and Italians love music, Romani people are culturally thieves. Their life style, as nomads, is not to consider property as something inviolable. If someone comes to your home and find the door open, if he is a Sicilian is likely that he will not come in, but if he is a Roma the possibilities that he enters are very very high»<sup>20</sup>;

- Gianluca Buonanno (MEP), 2 March 2015: «I speak about the present, gypsies or Romani people as you prefer to call them, are always in the chronicles on newspapers and newscasts for robbery and for acts definitely not correct. [...] They are the scum of society, the scum of society!»<sup>21</sup>;

- Daniela Santanchè (MP), 11 March 2015: «They are gypsies and I am afraid of Gypsies... When I see a gypsy I am afraid that she steals my wallet. They are thieves inside, in the spirit»<sup>22</sup>.

Associazione 21 luglio filed a criminal complaint concerning the statements released by Mr. Buonanno on 2 March 2015. On 24 May 2015 the Rome Prosecutor's Office notified the request for dismissal concerning the case, arguing that it was not possible to identify a determined and specific target, and that in any case the statements would have been covered by parliamentary immunity. The Prosecutor did not provide any analysis or arguments concerning the fact that the statements may have amounted to incitement of racial hatred<sup>23</sup>. The Civil Court of Milan, following a civil complaint brought by two NGOs, reached instead a different conclusion<sup>24</sup>. The Court stated that «Parliamentarian immunity does not cover a politician who, during a television show, states "Roma are the scum of society", as there is no existing linkage among the opinion he formulated – merely aiming at offending and denigrating – and his parliamentary functions; this conduct amounts to racial harassment ex art. 2(3) law 215/2003 against an ethnic group», sentencing Mr. Buonanno to compensate the damage and publish the ordinance at his expense.

Due attention should be given also to the case involving MEP Mario Borghezio, who on 8 April 2013, International Roma day, during a radio interview defamed Roma, indiscriminately accusing them of being thieves. A coalition of organizations filed a complaint to the prosecutor's office, but Mr. Borghezio appealed to his immunity as a MEP. In March 2014 Borghezio was denied immunity by the European Parliament, which stated that Borghezio's statements would have been subject to punishment even if pronounced inside the European Parliament, therefore denying him immunity. The strong position assumed by the European Parliament and the high media emphasis it attracted, paved the way for Borghezio's committal for trial, ruled by the Court of Milan during the preliminary hearing held on 11 July 2014. The case was closed in June 2015 when an economic settlement was reached with the plaintiffs.

### *Anti-Discrimination*<sup>25</sup>

Associazione 21 luglio recorded areas of weak implementation of the EU 2000/43/EC Directive, among which a certain degree of reticence in implementing the Race Directive in relation to discrimination affecting Roma and Sinti by the authorities in charge.

<sup>19</sup> See: <http://tv.ilfattoquotidiano.it/2014/11/19/lega-buonanno-rom-sono-portati-a-delinquere-hanno-genoma-delinquenza/313324/>.

<sup>20</sup> See: [http://www.ilmessaggero.it/PRIMOPIANO/CRONACA/la\\_russa\\_choc\\_zanzara\\_rom\\_ladri/notizie/1043161.shtml](http://www.ilmessaggero.it/PRIMOPIANO/CRONACA/la_russa_choc_zanzara_rom_ladri/notizie/1043161.shtml).

<sup>21</sup> See: <https://www.youtube.com/watch?v=VKflxaLbMO4>.

<sup>22</sup> See: <http://www.radio24.ilsole24ore.com/player.php?channel=2&idpuntata=gSLAaNqz&date=2015-03-10&idprogramma=lazanzara>.

<sup>23</sup> Associazione 21 luglio filed an appeal against the request for archivation. Mr Buonanno died in a car accident on 5 June 2016.

<sup>24</sup> Associazione Studi Giuridici sull'Immigrazione and NAGA Onlus.

<sup>25</sup> For a comprehensive report on the Italian anti-discrimination framework, please see: European Network of Legal Experts in Gender Equality and Non-Discrimination, Country Report – Non-Discrimination: Italy 2016, October 2016, available at: <http://www.equalitylaw.eu/downloads/3736-2016-it-country-report-nd>.

A clear example could be traced in the events related to the case *Associazione 21 luglio and ASGI v. Italian Ministry of Interior and Municipality of Rome*, concerning the construction of the new Roma-only authorised camp “La Barbuta” in Rome. While on 8 August 2012 the Court of Rome ordered the suspension of the assignation of the new housing units (containers) recognizing the plausible discriminatory aspect, on 13 September 2012, following the contestation by the Municipality of Rome, the same Court, with a different composition, cancelled and overturned its previous decision, leading to the assignation of the housing units inside the settlements. The Court of Rome then ruled the indirectly discriminatory conduct of Rome authorities in its ordinance of 30 May 2015.

Moreover, only a scarce case law regarding discriminatory episodes against Roma and Sinti could be recorded: Court of Milan, ordinance 20 December 2010; Court of Milan, ordinance 13 January 2011; Court of Milan, ordinance 24 May 2012; Court of Rome, ordinance 24 May 2013; Court of Pescara, judgement 21 June 2013; Court of Rome, judgement 16 February 2015; Court of Ancona, judgement 27 May 2016.

Another critical aspect, not limited to Roma and Sinti related issues, could be traced in the scarce recognition of the compensation for the so called “discrimination damage” as a dissuasive means against discriminatory episodes.

Only scarce case law could be traced falling in line with the provision which sets that the violation of the anti-discrimination legal framework should be addressed through effective, proportionate and dissuasive sanctions which could comprise the compensation for the victim of discrimination for the patrimonial/non patrimonial damage occurred. Also the Supreme Court of Cassation recognized the legitimacy of the compensation related to non patrimonial damages when a fundamental right has been violated<sup>26</sup>. Nevertheless, only in a small minority of judicial proceedings concerning discrimination the judges ordered compensations for non patrimonial damages suffered by the victims of discrimination, and in most of the cases the monetary compensations have been of a modest entity. This legitimize the doubt whether these kind of compensations fall in line with the dissuasive effect requirement requested by the Directive.

In May 2016 the Chamber of Deputies established the Commission on Intolerance, Xenophobia, Racism and Hate, with the aim to gain an in-depth understanding of the phenomenon in the Italian society<sup>27</sup>.

### *Media*

In 2008, in order to provide journalists with a binding code of conduct on balanced, fair and exhaustive information on asylum seekers, refugees, migrants and victims of human trafficking, the National Council of the Journalists’ Society adopted the Charter of Rome. The official Guidelines for the implementation of the Charter of Rome included an explicit reference also to Roma and Sinti communities, detailing instructions on terminology for a fair and quality information.

On 27 January 2016, the National Council of the Journalists’ Society approved the Unified Text on the duties of journalists, subsequently entered into force on 3 February 2016. Within the Unified text, the articulated framework of the Charter of Rome has been substantially reduced and is only traceable in article 7 – “Duties toward foreigners”<sup>28</sup>. The Unified Text does not contain any mention of the Guidelines for the implementation of the Charter of Rome, thus resulted in the complete removal of any explicit reference to Roma and Sinti communities.

### *The National Office Against Racial Discrimination (UNAR)*

In the Concluding Observations on Italy issued in 2012, CERD recommended «that the State party take necessary measures to guarantee the independence of UNAR so that it may implement its activities more efficiently»<sup>29</sup>. UNAR’s lack of independence has been repeatedly highlighted also in recent monitoring cycles, such as the 5<sup>th</sup>

<sup>26</sup> Supreme Court of Cassation, Judgement n. 1183/2007 and n. 1781/2012.

<sup>27</sup> See: <http://www.camera.it/leg17/1264>.

<sup>28</sup> See: <http://www.cartadiroma.org/wp-content/uploads/2012/12/TESTO-UNICO-DEI-DOVERI-DEL-GIORNALISTA.pdf>.

<sup>29</sup> CEDR/C/ITA/CO/16-18, para. 14.

monitoring cycle performed by the European Commission Against Racism and Intolerance, and the 4<sup>th</sup> cycle of the Advisory Committee of the Framework Convention on the Protection of National Minorities. UNAR is not an independent body, as the Office is directly depending from the Presidency of the Council of Ministers, its Director is a civil servant appointed by the Government and its permanent staff is made up of civil servants seconded from various ministries. Moreover, UNAR, despite having the opportunity as an equality body, never submits parallel reports to international human rights monitoring bodies, while UNAR representatives are embedded in the governmental delegations attending monitoring cycles. Despite the Italian Government arguing that UNAR is actually enjoying from a *de facto* independence while not being *de jure* independent, the operational limits descending from the lack of independence explicitly arose in 2015, when contracts of external experts were not renewed and the Director was subject to a disciplinary action by the Presidency of the College of Ministries<sup>30</sup>, hampering UNAR's possibility to carry out its functions and resulting in various projects being frozen (among which, those related to the NRIS implementation) and its activities reduced to administrative issues<sup>31</sup>.

The Office offers mainly three services: firstly a Contact Center, which collects reports of possible discriminatory episodes and offers advice and psychological support, secondly it foresees the possibility to issue non binding opinions (upon request by a private citizen or an organization, or upon request by a party to a legal proceeding in Court), and in third place it fosters and promotes studies, researches, awareness raising campaigns and trainings on anti-discrimination issues.

The non-independent nature and its structure and conformation deeply affects UNAR's mandate resulting in a considerably limited effectiveness in tackling discrimination issues, as:

- UNAR has no sanctionatory/deterrent means available by its own;
- UNAR itself is not entitled to bring legal proceedings in Court, but its intervention is limited to *amicus curiae* briefs;

In practice, its action following a report of discrimination is limited to advice and psychological support, deeply limiting its practical effectiveness. After an eventual inquiry, and even if the Office can count on privileged linkages with the Police and the Judiciary and on a number of conventions with observatories and territorial antennas<sup>32</sup>, in any case is the victim of discrimination who has to activate the relevant measures to seek protection and redress, directly through the relevant judiciary authorities or through a qualified organization, options that are always available even without UNAR's intervention.

Concerning the issuing of non-binding opinions related to discriminatory episodes, it must be noted that since 2012 UNAR is decreasingly resorting to this option<sup>33</sup>. Associazione 21 luglio submitted to UNAR a request for an opinion concerning the construction of the new La Barbuta Roma only settlement in Rome in June 2012<sup>34</sup>. UNAR, despite repeated requests, never formally adopted the opinion without providing reasonable and objective explanations<sup>35</sup>.

UNAR manages a strategic litigation fund ("Legal Expenses Anticipation Fund"), oriented to support anti-discrimination litigations deemed of particular social and cultural impact which could lead to a judgement able to set a substantial precedent in the contrast against the most common and widespread discriminatory attitudes and behaviours. Apart from UNAR's own communication channels, this possibility has not been properly publicized and the data concerning eventual funding are not public, nor are available transparent criteria to assess which kind of cases may be covered.

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<sup>30</sup> The disciplinary action was undertaken following complaints by MP Ms. Giorgia Meloni, who was the recipient of a moral suasion letter from UNAR concerning statements against Muslim migrants.

<sup>31</sup> See: <http://www.equalitylaw.eu/downloads/3626-italy-equality-body-unar-pdf-77-kb>.

<sup>32</sup> For more information on the functioning and mandate of observatories and territorial antennas, see: [http://www.unar.it/unar/portal/?page\\_id=1701](http://www.unar.it/unar/portal/?page_id=1701).

<sup>33</sup> This can also be easily verified through UNAR's website.

<sup>34</sup> Report n. 6723 of 19 June 2012, Investigation n. 5536.

<sup>35</sup> The drafting of the opinion was outsourced to UNAR's "back office" for Roma related issues (The Unione Forense per la Tutela dei Diritti Umani), who informally communicated to Associazione 21 luglio on 11 August 2013 that the opinion had been drafted and submitted to UNAR in July 2012.

## II. THE NATIONAL STRATEGY FOR THE INCLUSION OF ROMA, SINTI AND CAMINANTI

In 2008 the Italian Government declared the “Nomad Emergency”, a state of emergency «with regard to settlements of nomad communities»<sup>36</sup>. Following a legal proceeding filed by a NGO<sup>37</sup>, 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 power<sup>38</sup>. 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”<sup>39</sup>. 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<sup>40</sup>. At the 80<sup>th</sup> session of the CERD in early 2012, Italy declared that the data collected during the emergency census had been destroyed. In November 2013, Associazione 21 luglio requested formal access to those data on behalf of two Roma concerned in the census, finding they were still available<sup>41</sup>. Despite the formal closure of the “Nomad Emergency” and the recommendations issued by CERD in 2012<sup>42</sup> and CESCR in 2015, the Italian Government did not implement any sort of mechanism to provide access to an effective remedy for the Roma and Sinti victims of human rights violations that had occurred during the emergency period.

In February 2012 Italy submitted its National Roma Integration Strategy (NRIS) to the European Commission<sup>43</sup>. 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 areas (Housing, Employment, Education, Health) and represents a formal commitment towards Roma and Sinti social inclusion. The Italian NRIS explicitly recognizes the inadequacy of the “camp”<sup>44</sup> policy and the excessive use of forced evictions against Roma and Sinti settlements and its substantial inadequacy<sup>45</sup>.

Concerning the situation of the human rights of Roma and Sinti on the ground, during recent monitoring cycles, as the UPR in 2014, the 4<sup>th</sup> monitoring cycle of the Advisory Committee of the Framework Convention for the Protection National Minorities in 2014, the 5<sup>th</sup> monitoring cycle by the European Commission Against Racism and Intolerance in 2015 and the 5<sup>th</sup> monitoring cycle of CESCR in 2015, Italy has repeatedly argued that it is addressing the crucial matters through the implementation of the NRIS. Since 2012, Associazione 21 luglio carries out a

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<sup>36</sup> 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.

<sup>37</sup> European Roma Rights Centre.

<sup>38</sup> Council of State, Section IV, Judgement No. 6050/2011 of 16 November 2011.

<sup>39</sup> Supreme Court of Cassation, Judgement No. 9687/2013 of 22 April 2013.

<sup>40</sup> Associazione 21 luglio widely documented the human rights violations which occurred resulting from the “Nomad emergency”, particularly in Rome, see: Associazione 21 luglio, *Esclusi e ammassati*, November 2010; Associazione 21 luglio, *Report Casilino 900*, February 2011; Associazione 21 luglio, *La casa di carta*, May 2011; Associazione 21 luglio, *Linea 40*, October 2011; Associazione 21 luglio, *Anime smarrite*, February 2012; Associazione 21 luglio, *Diritti rubati*, September 2012; Associazione 21 luglio, *Rom(a) Underground*, February 2013. The impact of the emergency measures on the human rights of Roma and Sinti in Italy has also been widely documented by Amnesty International, see: Amnesty International, *The Wrong Answer*, January 2010; Amnesty International, “Zero Tolerance against Roma”, November 2011.

<sup>41</sup> The formal access was requested in November 2013 on behalf of M.H. and R.H.

<sup>42</sup> CERD/C/ITA/CO/16-18, para. 15; E/C.12/ITA/CO/5 para. 43.

<sup>43</sup> Italian National Strategy for the Inclusion of Roma, Sinti and Caminanti, February 2012.

<sup>44</sup> 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.

<sup>45</sup> 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.

constant and thorough monitoring activity on the implementation of the NRIS<sup>46</sup>, which highlighted the general and considerable delay affecting the concrete implementation of the NRIS after 4 years since its adoption, confirming the concerns also raised by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate in two resolutions issued in December 2013 and March 2015<sup>47</sup>. In general, the NRIS is characterized by a non-homogeneous territorial implementation and by high degrees of discretion concerning the translation of the foreseen measures at the central level into concrete measures at the local level, resulting in a lack of impact on the ground. The 8 objectives set for the period 2012 – 2013 have only partially been met, while the first (The establishment of a technic Committee to study the legal status of Roma and to design a Governmental *ad hoc/omnibus* draft law for the recognition of Roma as a national minority) has been totally disregarded. Other factors of concerns highlighted by Associazione 21 luglio are: a mere formal and not substantial participation of Roma in the steps which lead to the draft of the NRIS and subsequently to its preliminary implementation; a governance characterized by a rigid top-bottom approach, which difficultly fits the different demands arising from the different contexts where the NRIS should be implemented; the lack of clear and applicable indications on the operational methods to be adopted in order to transpose in practice the principles and approaches contained in the NRIS.

## A. 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.

The governance structure of the NRIS, aimed at its transposition from the central to the local level, foresees the activation of Interministerial and National “Tables”, and Regional/Local “Tables” which have the role to «ensure a synergic and homogeneous implementation of the NRIS on the ground» and to inform, orient and monitor the territory of reference in order to promote Roma inclusion. UNAR, the National Contact Point, has thus foreseen the translation of the NRIS into regional and local strategies and the issue of guidelines aimed at local authorities in order to foster inclusion policies coherent with the NRIS. The operational transposition of this top-down governance approach appears more complex than likely expected, resulting in an intermittent and geographically non-homogeneous implementation. Beginning from the very first steps, as the activation of the Regional Tables, the mechanism of governance resulted prone to be obstructed and resulted in considerable delays. As of September 2016, only 10 out of 20 Italian Regions have started the formal preparatory meetings (Regional Tables) foreseen by the governance structure of the NRIS: Umbria, Toscana, Emilia Romagna, Molise, Liguria, Marche, Piemonte, Calabria, Campania, Lazio. In two cases out of ten (Umbria and Liguria), the establishment of the Regional Table did not signify any concrete activity, as the Tables have not dealt with issues on the merits yet, while most of the Regional Tables are affected by discontinuity in carrying out the foreseen activities. Despite a declared objective of priority was identified in the activation of the Regional Tables in the 5 Regions where the “Nomad emergency” was in force, the Tables of Lombardia and Veneto are still missing, and Lazio held a first

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<sup>46</sup> The first outcome resulted in the research: Decade for Roma Inclusion, Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy, October 2014, available at:

[http://www.romadecade.org/cms/upload/file/9773\\_file9\\_it\\_civil-society-monitoring-report\\_en-1.pdf](http://www.romadecade.org/cms/upload/file/9773_file9_it_civil-society-monitoring-report_en-1.pdf); Subsequently Associazione 21 luglio included its results related to the NRIS's implementation in its Annual reports, published in 2015 and 2016, and available at: <http://www.21luglio.org/category/report>.

<sup>47</sup> Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Resolution n. 201 of 18 December 2013 and Resolution n. 456 of 10 March 2015, available at:

<http://www.senato.it/application/xmanager/projects/leg17/file/Risoluzione%20Strategia.pdf>,  
<https://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/Doc. XXIVter n. 9.pdf>.

round of thematic meetings in the first half of 2016 not resulting in any outcome. This seems a critical factor, as the 5 “ex-emergency” Regions are the same where the most of Roma and Sinti population concentrates (51.100 out of 180.000 according to estimates) and where most of the Roma-only authorised settlements are located (51% of Roma living in “authorised “ settlements concentrate in Lazio, Piemonte and Lombardia)<sup>48</sup>. Without an urgent action to unlock and address the situation in these five Regions transposing the NRIS into concrete impact on the ground, the NRIS will hardly be able to benefit the most deprived Roma communities and reach its goals.

Where the implementation of the NRIS is in a more advanced phase (e.g. Toscana and Emilia Romagna Regions), it often depended on the awareness of some administrators regarding the urgent necessity to step up the efforts aimed at Roma inclusion. As a matter of fact, the wide unpopularity of the so called “Roma issue” acts as crucial deterrent factor for the local administrators who have to translate the NRIS into concrete measures at the local level. In this context, pervasive hate speech against Roma assumes an even more dangerous entity. In Italy, according to Pew Research Center, 86% of the population hold a negative opinion about Roma<sup>49</sup>.

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. Moreover, currently the National Contact Point and the other governance structures of the NRIS are not yet in the position to collect the Roma’s point of view on the NRIS’ implementation, due to the relatively scarce involvement at the national level and to the total lack of direct contact and consultation with Roma on the ground (particularly with those in the most deprived conditions). Lastly, as the implementation of the NRIS is still at a very preliminary step, it is impossible to evaluate whether the relevant authorities are able to differentiate among coordination and M&E activities. Within this centralized framework, the efforts of the National Contact Point are mainly aimed at coordination at the national level and partially at the regional level, while elements ascribable to M&E activities are absent at any level. Worsening the scenario, UNAR’s capability to perform its functions – among which coordinating and monitoring the implementation of the NRIS – have been periodically affected by lack of human resources.

## **B. HOUSING**

In the Concluding Observations on Italy issued in 2012, CERD expressed its concern «that the strongly decentralized system of Italy may lead to diversity of policies and decisions at the level of regions and provinces with regard to discrimination on ground of race or ethnic origin» and recommended to «establish a mechanism of consultation and coordination with the local authorities, so as to avoid policies and decisions that are contrary to articles 2 and 5 of the Convention»<sup>50</sup>. 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 policies<sup>51</sup>. 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. These policies constitute a blatant breach of Italy’s commitments contained in the NRIS, of EU Directive 2000/43 and of the relevant international human

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<sup>48</sup> Strati F. (SRS), Italy. Promoting Social Inclusion of Roma. A study of National Policies, European Commission, July 2011.

<sup>49</sup> 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/>.

<sup>50</sup> CERD/C/ITA/CO/16-18 para. 27.

<sup>51</sup> See: Italian Constitution, Part II, Title V.

rights obligations, additionally entailing immense voices of expense that could have otherwise funded effective inclusive policies with sustainable impacts on a wider number of beneficiaries.

The list<sup>52</sup> provides the following information: year, typology, name (amount of funding), number of persons affected, place.

a) CONSTRUCTION COMPLETED:

- 2012: Roma-only settlement, La Barbuta (ca. 10.000.000 €), ca. 600 persons, Rome.
- 2012: Roma-only reception facility, Best House Rom (N/A), ca. 320 persons, Rome.
- 2012: Roma-only reception facility, Centro Grazia Deledda (1.671.472 €), ca. 100 persons, Napoli.
- 2013: Roma-only settlement, Masseria del Pozzo (379.210 €), ca. 370 persons, Giugliano (NA).
- 2013: Roma-only reception facility, Lombroso (200.000 €), ca. 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<sup>53</sup>.
- 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), ca. 70 persons, Carpi (MO).
- 2014: Roma-only settlement, Villaggio Martirano (2.252.000 €), ca. 90 persons, Milan.
- 2014: Roma-only settlement, Nuovo Panareo (596.331 €), ca. 120 persons, Lecce.
- 2015: Roma-only temporary tent settlement, Tendopoli rom Cosenza (415.000€), ca. 450 persons, Cosenza<sup>54</sup>.

b) UNDER CONSTRUCTION:

- 2014: Roma-only settlement, Nuovo campo sinti (1.350.000 €), ca. 50 persons, Merano.
- 2015: Roma-only settlement, Brusigliano (500.000 €), ca. 65 persons, Pistoia.
- 2016: Roma-only settlement, via Santa Maria del Riposo (549.688 €), ca. 170 persons, Napoli.
- 2016: Roma-only settlement, Passo Martino (N/A), ca. 200 persons, Catania.

c) EXTRAORDINARY REFURBISHMENTS (the intervention foresees the temporary transfer of the inhabitants to another shelter in order to re-build the settlement):

- 2012: Roma-only settlement, Piandanna (N/A), ca. 60 persons, Sassari. CONCLUDED
- 2013: Roma-only settlement, via Guerra (280.000 €), ca. 175 persons, Asti. CONCLUDED
- 2013: Roma-only settlement, Fontanassa (100.000 €), ca. 70 persons, Savona. ONGOING
- 2014: Roma-only settlement, Via Germagnano (ca. 400.000 €), ca. 160 persons, Turin. ONGOING
- 2014: Roma-only settlement, Strada Aeroporto (ca. 400.000 €), ca. 120 persons, Turin. ONGOING
- 2014: Roma-only settlement, Via Cricoli (309.000 €), ca. 100 persons, Vicenza. CONCLUDED
- 2015: Roma-only settlement, Cornocchio (31.488 €), ca. 50 persons, Parma. ONGOING

d) IN ADVANCED PLANNING (project approved, construction not started yet):

- Roma-only settlement, Al Karama (1.280.000 €), ca. 350 persons, Latina.
- Roma-only settlement, Cupa Perillo (7.015.996 €), ca. 400 persons, Naples<sup>55</sup>.

<sup>52</sup> All the documentation concerning the listed measures, including projects and related official documents obtained through research and freedom of information requests, are available in Associazione 21 luglio's archive.

<sup>53</sup> In 2015 the facility also started to host non-Roma families evicted from social housing units. The facility was closed in March 2016.

<sup>54</sup> The tent settlement was subsequently forcibly evicted on 12 October 2015, with many families rendered homeless.

<sup>55</sup> 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

- Roma-only settlement, Giugliano (1.315.418 €), ca. 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 Interior<sup>56</sup>.
- Roma-only settlement, Sesto Fiorentino (517.188 €), ca. 70 persons, Sesto Fiorentino (FI).
- Roma-only settlement, Bolzaneto (N/A), ca. 170 persons, Genova.
- Roma-only settlement, Barletta (100.000 €), 7 persons, Barletta.
- Roma-only settlement, XV Council of Rome (1.270.069 €), 120 families, Rome<sup>57</sup>.

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 expulsion<sup>58</sup> 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 does 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.
- 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:

- **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-

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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.

<sup>56</sup> 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.

<sup>57</sup> 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.

<sup>58</sup> 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 does not provide for the same procedural guarantees foreseen by the administrative procedure leading to evictions from social housing or from privately rented housing.

standard conditions. Most of the residents had lived there for years: 211 had lived there for four years or more (33 since 2009 - opening, 54 since 2010, 99 since 2011, 25 since 2012). Delegations of the Extraordinary Commission for the Promotion and Protection of Human Rights of the Italian Senate visited the facility in October 2013 and May 2015, publicly denouncing its inadequacy and segregated nature<sup>59</sup>. In absence of any consultation, the letter communicated to the residents they had 20 days to vacate the facility, without providing for alternative housing for those unable to provide for themselves. It should be noted the substantial difference of treatment when similar circumstances affect non-Roma residents living in emergency shelters in Rome. There are approximately 20 shelters (known as C.A.A.T. shelters) operating for non-Roma who are facing housing crisis. Roma who are forcibly evicted from their houses in Rome are, in the rare cases when they are offered any alternative housing accommodation at all, offered temporary accommodation in the Roma-only reception facilities or in mother-and-child units, but not in C.A.A.T. shelters. As a matter of administrative practice, the non-Roma inhabitants of the C.A.A.T. shelters are offered some form of support to find new accommodation before being evicted<sup>60</sup>. Following two complaints brought to the Italian Administrative Court and the European Court of Human Rights, which ordered to halt the eviction of the plaintiffs pending the offer of alternative housing, Rome authorities nullified all the dismissal letters. Without further notifications, 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 (a night shelter open between the hours of 7:00 pm and 7.00 am, where men and women cannot share rooms, thus separating families).

The representatives of the Social Policy Department orally communicated to those rejecting the offer that no other offer would have been proposed, while communicating that the ex-Cartiera facility would have closed at the end of June. Four of the alternative housing solutions offered are segregated sub-standard authorised settlements of a temporary nature, meaning that Roma families would continue to be kept separated from the rest of society in a parallel housing system only for Roma. 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 2015 (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<sup>61</sup>. 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 same pattern of actions, and the same inadequate alternative accommodations have been offered in October 2016 to the residents of the via Amarilli Roma-only reception facilities, set to be closed on 31 October 2016.

- **The new public notice for managing Roma-only settlements** – On 19 February 2016 with executive decision no. 4377 the Municipality of Rome issued a notice for the assignment of the “social management, vocational training, small maintenance interventions and surveillance of the villages of

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<sup>59</sup> See: [http://webtv.senato.it/Leg17/1383?documento=2511&voce\\_sommario=90](http://webtv.senato.it/Leg17/1383?documento=2511&voce_sommario=90); <http://www.redattoresociale.it/Notiziario/Articolo/447771/Commissione-diritti-del-Senato-nei-campi-rom-Un-limbo-inaccettabile>; <http://www.21luglio.org/nel-centro-di-raccolta-rom-di-via-salaria-ai-margini-della-societa>.

<sup>60</sup> This usually takes the form of a financial support to relocate.

<sup>61</sup> 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.

Roma Capitale”. 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), 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. 4377 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 evaluated.

- **Ad-hoc police operations** – In February 2016, the deputy commander of Rome Municipal Police (Polizia Roma Capitale) circulated an order (Prot. 42487/2016) requiring patrols to enforce vehicle checks at the entrance of one “tolerated” and three authorised Roma-only settlements in Rome (Salone, Barbuta, Candoni and Salviati). The order contains clear instructions to check all vehicles entering and exiting the settlements and does not provide for a determinate timeframe. This kind of activity, foreseeing a massive control without distinction, acquires the characteristics of a checkpoint (Art. 192 (4) of the Italian Road Code). Under Italian legislation, checkpoints may be carried out when resulting from an order from the Judicial Authority or from the Public Security Authority (Art. 192 (4) of the Italian Road Code). The order (Prot. 42487/2016) does not mention either of these circumstances, thus it seems to jeopardize the principle of freedom of movement (Art. 16 of the Italian Constitution). Moreover, this massive control activity is explicitly carried out at the entrance of authorised and “tolerated” Roma-only settlements, thus resulting in only Roma being targeted by these operations. In absence of an order from the Judicial Authority or objectively justified reasons of public security, which nevertheless would provide for a determined timeframe for performing the described operations, these police operations fail to meet the necessity and proportionality requirements/criteria and amount to discriminatory conduct against the Roma inhabitants of the affected settlements. Associazione 21 luglio, during recent monitoring activities (March to October 2016), directly assessed how the order was being enforced, and continues to receive reports that the order is currently implemented. A letter of concern and request for information was sent to the commander of Rome Municipal Police by Associazione 21 luglio on 1 March 2016; no response has been received to date.
- **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”). The manifestation of interest and the linked executive decision explicitly mention that the structures will be used as Roma-only reception facilities, and the manifestation of interest further reaffirms this under the section “Beneficiaries of the project”, where it states “Families of Romani ethnicity currently hosted in the reception facilities of via Salaria, via Toraldo and via Amarilli”. The section “Actions” of the manifestation of interest states the temporary nature of the stay in the reception facilities. All the existing Roma-only reception facilities currently managed by Rome authorities have formally the same temporary feature. However, from the information gathered by Associazione 21 luglio through interviews with the inhabitants, monitoring activities and request for information from Rome’s Department for Social Policies, it is clear that many families have lived in these reception facilities for years, many even since the facility were initially opened. The inhabitants of the reception facilities interviewed by Associazione 21 luglio on various occasions over recent years and in 2016, report that they have never been involved in personalised social inclusion plans, nor are they aware that such plans exist. These plans, foreseen in the management agreements among the Municipality of Rome and the managers of the facilities, should be implemented to ensure that these emergency arrangements are in fact temporary, and that residents are put on an integration track leading to sustainable housing solutions. Associazione 21 luglio documented the expenses of the Roma-only reception facilities in Rome for the year 2014<sup>62</sup>. The data, gathered from official documents detailing all the actual expenses, indicate that out of 8.053.544 €, 0% was allocated towards social inclusion plans. The notice further details the basic requirements and facilities for such shelters: it states that they must have a capacity of maximum 100 persons, with rooms allowing for a minimum of four square metres per person – slightly above the three square metres threshold set by the European Court of Human Rights amounting to torture (see: *Torreggiani v. Italy*), and critically less than the requirements (seven to nine square metres, depending on the overall size of the family) set by the regional law (Lazio Region Law 41/2003) on socio-assistance reception facilities. The same law specifies that every reception facility should not host more than 20 guests, it should have one sanitation facility every 4 guests – while the notice requires one sanitation facility for every 5 guests – and it should provide for a canteen with minimum of two and a half square metres space per person – the notice sets a minimum requirement of one square metre.

The majority of these measures have been – or are being – implemented in the 5 “ex-emergency” Regions, providing a further argument in support of the necessity to urgently address and unblock the implementation of the NRIS in these territories.

The Italian Government and UNAR do not publicly share data on the amount of funding allocated neither for Roma inclusion policies at central level nor for the implementation of the NRIS. The list of measures just described highlights the existence of a significant amount of public funding directed towards the implementation of policies diametrically opposite to the approach contained in the NRIS, and in clear breach of international human rights law and standards. This phenomenon deeply undermines the effectiveness of the NRIS, as any effort spent towards its implementation risks to be considerably weakened if not overcome by opposite measures sustained through conspicuous funding. The picture is cause of further concern when taking into account also the amount of funding periodically allocated by local authorities for the management of the “authorized” Roma-only settlements: in 2013 the city of Rome alone spent 22.563.088 € for this purpose<sup>63</sup>.

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<sup>62</sup> Associazione 21 luglio ONLUS, Centri di raccolta S.p.A., May 2015, available at: <http://www.21luglio.org/wp-content/uploads/2015/05/centridiraccoltaspa.pdf>.

<sup>63</sup> Associazione 21 luglio, Campi Nomadi S.p.A., June 2014.

### C. RELEVANT DEVELOPMENTS

The following relevant activities have been implemented within the framework of the NRIS since 2012:

- Project COMINROM, aimed at combating institutional discrimination through the training of social workers and other actors directly involved with Roma communities. Among the 500 beneficiaries, 8% were Roma. Unfortunately the project missed the declared objective of establishing the basis for a direct involvement of Roma and Sinti in shaping the policies that closely affect them.
- National Project for the Inclusion and Integration of Roma, Sinti and Caminanti children, jointly promoted by the Ministry of Labour and Social Policies and by the Ministry of Education. The project targeted 42 classrooms in 23 schools in 13 different cities (Catania, Palermo, Reggio Calabria, Cagliari, Naples, Bari, Rome, Florence, Bologna, Venice, Milan, Genova, Turin).
- Project Diversity on the Job, aimed at fostering the inclusion in the employment sector of Roma and Sinti and LGBT. It resulted in 246 internships with a duration of 3 months<sup>64</sup>.
- Project TroVARSI, coordinated by INMP and funded by the Ministry of Health and focusing on the vaccination of Roma children<sup>65</sup>.
- UNAR, ISTAT and ANCI started a joint collaboration aimed at elaborating indicators that could measure the impact of the implementation of the NRIS.
- In the 2014 – 2020 Partnership Agreement approved by the European Commission on 29 October 2014, a specific objective (RA 9.5) explicitly aimed at Roma inclusion was included<sup>66</sup>.
- In July 2015 the Emilia Romagna Region passed the Law 11/2015 “Norms for the Social Inclusion of Roma and Sinti”, which broadly draws from the contents of the NRIS<sup>67</sup>.
- In May 2015, the NRIS’s National Thematic Table on Health (established in February 2013) adopted the “Health Action Plan for and with the Roma, Sinti and Caminanti Communities”<sup>68</sup>. Associazione 21 luglio has no information about the implementation of measures descending from the Health Action Plan so far. The Plan acts as a guidance framework for regional and local authorities (those holding the mandate to design and implement health measures in Italy) adopting health-related measures addressing Roma and Sinti communities. It is inspired to a human rights based approach and its drafting involved some exponents of the Roma and Sinti communities. The lack of data continues to affect each area of policy implementation addressing Roma, including health. There is limited availability of data concerning the health status of Roma communities and often the available estimates are inconsistent. This structural limit is not fully acknowledged nor addressed in the Action Plan. The Action Plan simply shifts the responsibility for implementing health related measures addressing Roma and Sinti communities on Regions and local authorities, without foreseeing any mechanism that could ensure or at least incentivize that these measures will actually be implemented. The Action Plan provides for a weak monitoring and evaluation framework, listing a set of general monitoring activities without providing for any measurable and/or quantifiable objective nor any result indicator. The Action Plan lacks an integrated approach and neglects inter-sectoral action. As examples, it does not address the access to health care by unrecognized stateless Roma (who would need a regularization of their status), nor it acknowledges the unhealthy and substandard conditions in formal and informal Roma-only settlements, which are unequivocally linked to various widespread pathologies.
- On 18 October 2016, UNAR held the first of a series of meetings aimed at creating the “Roma National Platform”, involving various young Roma activists from different parts of Italy.

<sup>64</sup> See: <http://www.unar.it/unar/portal/?p=3684>.

<sup>65</sup> See: <http://www.inmp.it/index.php/ita/Progetti/Progetto-troVARSI-Vaccinazioni-Rom-e-Sinti-in-Italia>.

<sup>66</sup> See: <http://www.dps.gov.it/it/AccordoPartenariato/>.

<sup>67</sup> Text available at: [http://demetra.regione.emilia-romagna.it/al/monitor.php?vi=nor&pg=LR/10/2015/LR\\_2015\\_11/LR\\_2015\\_11\\_v2.pdf&blob=1&pg\\_t=application/pdf&pg\\_a=n&pg\\_dir=a&id\\_doc=41500bc1-d4a8-3084-8fd2-55a8e1e0cbd7](http://demetra.regione.emilia-romagna.it/al/monitor.php?vi=nor&pg=LR/10/2015/LR_2015_11/LR_2015_11_v2.pdf&blob=1&pg_t=application/pdf&pg_a=n&pg_dir=a&id_doc=41500bc1-d4a8-3084-8fd2-55a8e1e0cbd7).

<sup>68</sup> See: [http://www.salute.gov.it/portale/news/p3\\_2\\_1\\_1\\_1.jsp?lingua=italiano&menu=notizie&p=dalministero&id=2395](http://www.salute.gov.it/portale/news/p3_2_1_1_1.jsp?lingua=italiano&menu=notizie&p=dalministero&id=2395).

#### D. CONCLUSIONS

Comparing to the period of the “Nomad emergency” we are witnessing a gradual change of approach in policies aimed at Roma inclusion, and the adoption of the NRIS and the first efforts towards its implementation are a clear indicator of this path. An increasing consensus on the urgency to implement effective inclusion policies for Roma, and particularly on the necessity to overcome segregating housing solutions, can be traced among some decision makers at the national and regional level. Nevertheless, the translation of commitments into concrete measures is intermittent and in considerable delay, resulting in no substantial improvement of the living conditions of Roma and Sinti families on the ground so far. A considerable discrepancy between the orientation of national authorities and that of local authorities can be noted, factor which hinders the transposition of the NRIS into concrete measures at the local level. The high degree of discrepancy, the territorial non-homogeneous implementation and the considerable delays collected are all critical factors currently jeopardizing the potential positive impact of the NRIS. The lack of impact of the NRIS has been recently acknowledged also by the European Committee on Social Rights (ECSR) of the Council of Europe, who assessed Italy’s situation in its “Follow-up to Decisions on the Merits of Collective Complaints – Findings 2015”<sup>69</sup>. Italy was found in breach of the European Social Charter with regard to housing segregation and forced evictions of Roma communities twice, in 2005 and in 2010. Concerning both cases, the request for information by ECSR in order to assess whether Italy took action in order to bring the situation into conformity with the Charter was met by Italian authorities with one essential argument: the implementation of the NRIS. The ECSR concluded that, despite few progress in some areas, the measures undertaken were insufficient to bring the situation into conformity with the Charter<sup>70</sup>.

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<sup>69</sup> See: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805939f5>.

<sup>70</sup> *Ibidem*.

### III. HOUSING SEGREGATION

In the Concluding Observations concerning the combined sixteenth to eighteenth periodic reports submitted by Italy, the Committee on the Elimination of Racial Discrimination stated its concern that «Roma, Sinti and Camminanti populations, both citizens and non-citizens, are living in a situation of de facto segregation from the rest of the population in camps that often lack access to the most basic facilities», urging Italy to «refrain from placing Roma in camps outside the populated areas without basic facilities such as health services and education» and «to intensify efforts to avoid residential segregation of Roma and Sinti communities»<sup>71</sup>. Since 1984<sup>72</sup> 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”<sup>73</sup>, 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 laws<sup>74</sup> 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 system<sup>75</sup>. In many Italian

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<sup>71</sup> CERD/C/ITA/CO/16-18, para. 15.

<sup>72</sup> 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”.

<sup>73</sup> 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/2014/Notiziario_Stranieri_13_14.pdf),

[http://www.istruzione.it/allegati/2015/Notiziario\\_Alunni\\_Stranieri\\_1415.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.

<sup>74</sup> 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 propose a diversified range of housing solutions, and aim at overcoming the mere assistance approach.

<sup>75</sup> 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 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

municipalities an ad-hoc “Roma Office” is in charge of 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 Rome<sup>76</sup>. 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 settlement<sup>77</sup>. 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 Municipality. 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. As foreseen by the Italian anti-discrimination legal framework<sup>78</sup>, Associazione 21 luglio and ASGI should be kept informed about actions undertaken by the Municipality in order to implement the ruling. As of October 2016, Associazione 21 luglio and ASGI have not received any official information on the matter, while recent on-field monitoring activities and interviews with inhabitants of the La Barbuta settlement indicate that no steps have been undertaken to implement the ruling. This judgment applies also beyond the context of La Barbuta, as housing segregation of Roma and Sinti is a widespread and systematic practice in Italy. 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.

Depending on the geographical area, Roma-only authorised settlements are inhabited by Roma from diverse background: Italian Roma, Italian Sinti, Roma from Former Yugoslavia of old and recent immigration (a minority of whom acquired Italian citizenship during the years) and Romanian Roma of recent immigration. 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 policies<sup>79</sup> addressed towards Roma and Sinti throughout Italy continues to attract criticisms from a number of human rights monitoring bodies also in recent years<sup>80</sup>. According to a mapping performed by Associazione 21 luglio, Italy

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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.

<sup>76</sup> Civil Court of Rome, II Section, Ordinance of 30 May 2015.

<sup>77</sup> This lawsuit was supported by Amnesty International (AI), European Roma Rights Centre (ERRC) and Open Society Foundations (OSF).

<sup>78</sup> Art. 28(5), Legislative Decree no. 150/2011.

<sup>79</sup> 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.

<sup>80</sup> 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 (4<sup>th</sup> and 5<sup>th</sup> monitoring cycles, 2012 and 2016); Universal Periodic Review (2<sup>nd</sup> Cycle, 2014); UN CESCR (Concluding Observations, 2015);

currently manages 145 authorised Roma-only settlements throughout Italy<sup>81</sup>. Housing 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. The residents are not exclusively non-citizen Roma, as many acquired Italian nationality through naturalization while others belong to Roma or Sinti communities settled in Italy for centuries, such as the Italian Roma community living in the Scordovillo Roma-only settlement in Lamezia Terme (390 persons)<sup>82</sup>. Associazione 21 luglio conducted on-field research and widely documented the housing conditions of authorised settlements in Rome, Milan, Naples, Turin, Pisa, Lecce, Cosenza, Lamezia Terme, Cagliari, Palermo, Latina, Bologna and Reggio Calabria, while it gathered information on other Roma-only settlements through constant contacts with local grassroots organizations and engaging with local authorities. None of the settlements visited meets the international standards set forth in the CESCR's General Comment No. 4. The authorised settlements are often fenced and equipped with CCTVs, occasionally with a 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 settlements, while is occasionally required to leave ID papers at the entrance. Visits from relatives and friends are generally restricted, and guests often have to be registered at the entrance. The housing units (mostly containers, trailers or bungalows) are overcrowded<sup>83</sup> 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 hygienic and sanitary conditions, posing a grave threat to the health of the inhabitants<sup>84</sup>, and they frequently lack adequate access to one or more of the most basic services like drinking water<sup>85</sup>, sanitation facilities<sup>86</sup> and adequate heating systems. Most of the authorised settlements are located on the outskirts of cities, often in industrial or 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)<sup>87</sup>. In some cases a school bus service for Roma children living in the authorised settlements is offered by the local authorities, but due to the physical distance of the settlements from the schools, the pupils barely arrive on time and have to leave the school earlier than non-Roma pupils, with grave repercussions on their schooling path<sup>88</sup>. In some cases the authorised settlements are situated in unhealthy areas, further compromising the health of the inhabitants<sup>89</sup>. In most of the cases, housing inside an authorised settlement lacks an adequate degree of security of tenure. The assignation of a housing unit inside authorised settlements is of a temporary nature (commonly 6 to 24 months, depending on

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Advisory Committee of the Framework Convention for the Protection of National Minorities (4<sup>th</sup> Opinion, 2016); Council of Europe Commissioner for Human Rights (various statements).

<sup>81</sup> The mapping is constantly updated and intended for internal use. It is not publicly available for privacy and security concerns.

<sup>82</sup> As mentioned in the previous chapter, the Municipality of Lamezia Terme is currently debating a project proposal to construct a new segregated settlement to re-house the Roma community currently living in Scordovillo.

<sup>83</sup> In many cases overcrowding can even result in an average space of 2,5 m<sup>2</sup> per person, less than the 4m<sup>2</sup> limit for detention facilities set by the European Court of Human Rights concerning the prohibition of torture and other inhuman and degrading treatments (Torreggiani and others v. Italy, Judgement of 8 January 2013).

<sup>84</sup> During the interviews carried out in authorised settlements 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 "authorized" settlement 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. In 2015 the residents continue to report periodical leaks from the sewage system.

<sup>85</sup> 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.

<sup>86</sup> All the sanitation facilities observed in the "authorized" settlements are inadequate, either because of the extremely deteriorated conditions or because of the inadequacy in quantity in relation to the number of inhabitants.

<sup>87</sup> Associazione 21 luglio, Rom(a) Underground, February 2013; available at [http://www.21luglio.org/wp-content/uploads/2013/02/ROMA%20UNDERGROUND\\_English%20final.pdf](http://www.21luglio.org/wp-content/uploads/2013/02/ROMA%20UNDERGROUND_English%20final.pdf).

<sup>88</sup> This is mainly reported in the main Italian cities such as Milan, Rome and Turin.

<sup>89</sup> This is for example the case of the newly constructed La Barbuta "authorized" settlement in Rome, located under the final approach path of aircrafts landing at the Ciampino airport, and of the Masseria del Pozzo authorised settlement in Giugliano (Naples), opened in April 2013 and located in a heavily polluted area next to a garbage dump (the settlement was forcibly evicted in June 2016).

the settlement) and should be subject to periodic formal renewals, but in practice most of the residents hold only the initial assignation notice and continue to reside inside the settlement on the basis of a *de facto* tacit renewal, a condition that exposes them to sudden removals and arbitrary expulsions and reduces their security of tenure. All the households visited by Associazione 21 luglio in the authorised settlements fall inside the definition of “slum household” provided by the UN-HABITAT<sup>90</sup>. Similar sub-standard housing conditions can be recorded in the Roma-only reception facilities, existing in the cities of Rome and Milan, while the recently opened Roma-only reception facility of Naples (Centro “Grazia Deledda”) meets the standards on housing adequacy but still has a mono-ethnic feature.

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<sup>90</sup> UN-HABITAT, *Streets as Tools for Urban Transformation in Slums*, 2015, p. 4, available at: <http://unhabitat.org/books/streets-as-tools-for-urban-transformation-in-slums/>.

## IV. FORCED EVICTIONS

In the Concluding Observations issued in 2012, the Committee on the Elimination of Racial Discrimination encouraged Italy «to take the necessary measures to avoid forced evictions and provide adequate housing to these communities»<sup>91</sup>. The Italian legislative framework does not foresee an explicit reference concerning procedural safeguards to provide for when evicting people from their houses, but it is possible to find some relevant principles in articles 14 (inviolability of the residence), 29-31 (protection and safeguard of the family) and 42 (private property) taken together with articles 2 and 3 of the Italian Constitution<sup>92</sup>. Differently from evictions from private housing or from irregularly occupied social housing, the Italian legislation does not offer a clear framework concerning evictions from informal settlements. This translates in a high degree of discretion by the authorities, meaning that their action is unlikely subject to jurisdictional control, particularly when they act without the support of a formal administrative order resulting from a formal procedure which could be challenged in Court. Roma and Sinti continue to be repeatedly forcibly evicted from their dwellings by the authorities throughout Italy. Forced evictions constitute a gross violation of human rights and have dramatic consequences on the life of children and a disproportionate impact on their educational paths. Public officials are often unaware of the unlawful nature of forced evictions<sup>93</sup>.

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 gain<sup>94</sup>. In the city of Rome alone, from 1 January 2013 to 31 October 2016 a total of 188 documented forced evictions were carried out, affecting ca. 4.775 Roma overall. In 2013 the authorities of Rome carried out 54 documented forced evictions, affecting ca. 1.230 Roma, with an estimated total expense of 1.545.058 €, while in 2014 they forcibly evicted ca. 1.135 Roma during 34 documented forced evictions, spending ca. 1.315.000 €. In 2015, 80 documented forced evictions were carried out in Rome, affecting ca. 1.500 Roma, with an estimated total expense of 1.842.340 €. In 2016, (January – October) Rome authorities carried out 20 forced evictions affecting ca. 910 persons, spending ca. 1.101.900 €. It must be stressed that reliable estimates attest the total Roma population residing in spontaneous settlements in Rome at ca. 2.200 - 2.500 individuals<sup>95</sup>, 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<sup>96</sup>. Following the announcement of the Jubilee of Mercy by Pope Francis I<sup>97</sup>, a sudden rise in forced evictions affecting Roma was recorded in Rome: the monthly average increased from 2,8 forced evictions in 2014 and early 2015 to 9,9, with 64 operations carried out from 15 March to 30 September 2015 while only 21 forced evictions were carried out during the same timeframe (15 March – 30 September) in 2014<sup>98</sup>. 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 ca. 2.210 Roma, while in 2014

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<sup>91</sup> CERD/C/ITA/CO/16-18, para. 15.

<sup>92</sup> An in-depth analysis on the constitutional principles providing for some degrees of protection against forced evictions from informal settlements can be found in: Livio Neri, I profili giuridici degli sgomberi degli insediamenti abusivi, in P. Bonetti, A. Simoni e T. Vitale (edited), *La Condizione giuridica di rom e sinti in Italia*, Book II, Milan, 2011, pp. 849 onwards.

<sup>93</sup> In this sense, the statement collected by Associazione 21 luglio in a meeting with a high level 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 unlawful».

<sup>94</sup> This happened in Milan in 2011, and again in Rome in May-June 2013, when during the electoral campaign the former mayor of Rome Gianni Alemanno widely publicized in his placards the number of forced evictions targeting Roma carried out during his mandate. Presently, in Rome forced evictions are often accompanied by press statements released by Municipal authorities who take credit for and/or acclaim the operation.

<sup>95</sup> The same estimate is adopted by the Department for Social Policies of Rome. The vast majority of the residents in spontaneous settlements is made up by Romanian Roma.

<sup>96</sup> This circumstance is also confirmed by the numerous statements collected by Associazione 21 luglio while monitoring forced evictions.

<sup>97</sup> The Jubilee was announced by Pope Francis I on 13 March 2015, and started on 8 December 2015.

<sup>98</sup> Associazione 21 luglio, *Capital Sin*, October 2015, available at: [http://www.21luglio.org/wp-content/uploads/2015/10/rapporto\\_peccato\\_12pag\\_inglese\\_webweb\\_2\\_ottb.pdf](http://www.21luglio.org/wp-content/uploads/2015/10/rapporto_peccato_12pag_inglese_webweb_2_ottb.pdf).

ca. 2.276 Roma were forcibly evicted during 191 operations<sup>99</sup>. According to the Municipality of Milan, in 2015 470 evictions targeting Roma were carried out.

Forced evictions mainly target Roma and Sinti living in informal (spontaneous) settlements, but also inhabitants of authorised settlements have been victims of forced evictions, as occurred in September 2012 to the 350 residents of the Tor De' Cenci settlement in Rome<sup>100</sup>, to the 184 residents of the La Cesarina settlement (Rome) in December 2013<sup>101</sup>, to part of the residents of the Salviati II settlement (Rome) in October 2014, to the residents of the via Idro settlement (Milan) in March 2016 and to the residents of the Masseria del Pozzo settlement (Giugliano) in June 2016, highlighting the lack of security of tenure faced by residents also in these kind of settlements. Arbitrary expulsions from Roma-only reception facilities have been occasionally recorded in Rome. In one case on 21 November 2014 a group of 28 Roma (among which 23 minors) were expelled from the "Best House Rom" reception facility (Rome) with no alternative housing being offered. Associazione 21 luglio requested formal access on behalf of the families to the documentation supporting the expulsion, finding out that the expulsion order was grounded on a single report of a social worker of the structure without any supporting evidence. A month before the expulsion two men of the affected families had participated to a convention in Turin where they had denounced the sub-standard conditions of the Roma-only reception facility.

Apart from the cities of Rome and Milan, from 1 January 2014 to 31 October 2016 Associazione 21 luglio recorded the following evictions targeting Roma: 87 in North Italy, 74 in Centre Italy and 50 in South Italy. 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 ca. 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 ca. 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 ca. 300 Roma were living since 2003; the forced eviction of ca. 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 ca. 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 ca. 500 persons from via Mirri street (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 of ca. 350 persons from via Virginia Wolf (Naples) on 10 October 2016.

When collectively evicting Roma and Sinti families, the Italian authorities hardly ever apply all the procedural protections foreseen by international instruments<sup>102</sup>: 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-

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<sup>99</sup> Naga, *Nomadi per forza*, March 2015, available at:

[http://www.naga.it/tl\\_files/naga/comunicati/INVITI/Report\\_Nomadi%20per%20forza.pdf](http://www.naga.it/tl_files/naga/comunicati/INVITI/Report_Nomadi%20per%20forza.pdf).

<sup>100</sup> The evicted families were subsequently resettled in 2 Roma-only authorised settlements on the outskirts of the city: the newly constructed La Barbuta settlement and the Castel Romano settlement.

<sup>101</sup> The 184 residents were subsequently resettled in a sub-standard Roma-only reception facility (called "Best House Rom"). Initially (December 2013) the Department for Social Policies formally committed to relocate in an adequate housing the 184 persons within 4 months, as of July 2015 the 184 persons are still living in the "Best House Rom".

<sup>102</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 7, 20 May 1997.

only authorised camp or Roma-only reception facility<sup>103</sup>. 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. 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, not legally binding and have not been properly publicized<sup>104</sup>.

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<sup>103</sup> These types of facilities should offer a temporary shelter as inclusion projects tailored to the families should be implemented in order to gradually allow them to reach sustainable autonomy, but most often there are no projects in place and the families remain in the segregated housing facilities for long period of times without any clear prospective concerning their future.

<sup>104</sup> The guidelines were published as an article in a periodic thematic digest dealing with Roma issues (Quaderni LIL), see: <http://www.unar.it/unar/portal/wp-content/uploads/2014/01/LIL-3-41.pdf>.

## V. HATE SPEECH

Anti-gypsyism is a specific form of racism<sup>105</sup> and a powerful obstacle in preventing Roma and Sinti inclusion<sup>106</sup>. Routine violent attacks against Roma and Sinti settlements and individuals<sup>107</sup> and occasional episodes of collective hysteria<sup>108</sup>, 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 Roma<sup>109</sup>. Among the different shapes 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 fueled by the political discourse at local level<sup>110</sup>. 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 term 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;

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<sup>105</sup> ECRI, General Policy Recommendation no. 13: On Combating Anti-Gypsyism and Discrimination Against Roma, June 2011.

<sup>106</sup> 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.

<sup>107</sup> 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](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](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.

<sup>108</sup> 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>).

<sup>109</sup> 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/>.

<sup>110</sup> 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](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](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](http://www.21luglio.org/wp-content/uploads/2016/04/Rapporto-annuale_2015_def_web.pdf).

- 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 October 2016), the Observatory recorded a total of 1.259 hate speech episodes against Roma and Sinti, 737 of whom deemed of particular gravity<sup>111</sup>. This results in a daily average of 0,9 episodes, or 0,53 limiting the analysis to the grave episodes. It is too early to assess the decrease in episodes occurred in 2015 and 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”, with a consequent shift of the target of hate speech rhetoric on 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<sup>112</sup>. In late 2013 the CERD reaffirmed that hate speech *«can take many forms and is not confined to explicitly racial remarks. As is the case with discrimination [...] speech attacking particular racial or ethnic groups may employ indirect language in order to disguise its targets and objectives. [...] State parties should give due attention to all manifestations of racist hate speech and take effective measures to combat them. [...] The Committee recommends that the criminalization of forms of racist expression should be reserved for serious cases, to be proven beyond reasonable doubt, while less serious cases should be addressed by means other than criminal law, taking into account, inter alia, the nature and extent of the impact on targeted persons and groups»*<sup>113</sup>. Hate speech against Roma and Sinti in Italy usually adopts indirect and subtle expressions of bias, rather than explicitly racial remarks. While those 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 sanctionatory and/or deterrent means to address and discourage episodes of this kind<sup>114</sup>. 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 intervention<sup>115</sup>, an outcome that could hardly be deemed satisfactory. Promoters of hate speech are increasingly becoming aware about the limits of UNAR’s mandate, and starting to publicly ridicule its action, as was recently the case during a rally promoted by Matteo Salvini, head of the Northern League party, who stated: *«In our Italy there is no room for Roma camps. In our Italy we send a letter to these people stating that in three months you are evicted, prepare yourself. In three months the bulldozer is coming, prepare yourself. You can buy a house, rent it, apply for social housing, ask a mortgage, but you cannot live upon Italians anymore. In three months we evict you, that’s it. Go being a Roma somewhere else! And tomorrow I will receive an injunction letter from the anti-*

<sup>111</sup> 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<sup>st</sup> Jan – 31<sup>st</sup> October) – 138 episodes, of which 45 categorized as grave.

<sup>112</sup> Although not explicitly racist, a statement released by the Minister of Interior in June 2015 provides an emblematic example of high-level Government officials subtly contributing to fueling a climate of hostility against Roma: «Italy first, Italians first, and because of this principle we will have to kick out, expel from national territory all that Roma who will not be available to subscribe a pact with the Italian State, a sort of pact concerning their surfacing from their condition, that is at times borderline. We will respect all the laws, but we will pretend the same from their side. We will respect EU directives but at the same time we will apply all our laws, and we want also Roma to respect them» (See: <http://www.ilfattoquotidiano.it/2015/06/17/rom-alfano-facciano-patto-con-lo-stato-via-dallitalia-chi-non-accetta/1788939/>).

<sup>113</sup> CERD, General Recommendation No. 35: Combating racist hate speech, 26 September 2013.

<sup>114</sup> 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.

<sup>115</sup> Through its National Observatory Against Hate Speech, Associazione 21 luglio routinely reports to and engage with UNAR.

*discrimination office of the Presidency of the Council of Ministers, and I will blow my nose with this letter, because our unemployed come first and then the Roma»<sup>116</sup>.*

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<sup>116</sup> See: <http://tv.ilfattoquotidiano.it/2015/03/01/lega-a-roma-salvini-contro-nomadi-andate-a-fare-rom-da-unaltra-parte/344783/>.

## VI. VIOLENCE

Associazione 21 luglio's current mandate does not include a specific activity on hate crimes, but through its daily monitoring activity it registers episodes of violence and violent attacks targeting Roma, thus this section will provide a list of the recent incidents recorded. In 2013 – 2016 (1 January - 31 October) a number of violent episodes targeting Roma and Sinti were registered. In most of the cases, the investigation or the related proceedings are still pending and it is not possible to define these cases as hate motivated crimes with certainty.

- 12 and 13 April 2013, 15 April 2013, Milan<sup>117</sup> – In early March 2013 a Roma informal settlement in via Pestagalli is destroyed by fire (probably the result of a domestic accident). This leads the inhabitants to find shelter in an abandoned building in via Dione Cassio, where other Romanian Roma were already living in makeshift dwellings. The increase in the number of inhabitants in the informal settlement in via Dione Cassio sparks some protests among the local residents. In early April organized extreme right groups fuel protests and organize demonstrations close to the settlements. After an authorized demonstration in the afternoon, during the night between 12 and 13 April 2013, the settlement is attacked by unknown persons with incendiary bottles. On 15 April 2013 an unauthorized demonstration degenerated into a mob attack with launch of stones against the Roma settlement, as a consequence two Roma were injured and went through hospitalization. On 19 April 2013 the settlement was forcibly evicted by Milan authorities.

- 15 October 2013, Naples<sup>118</sup> – On 15 October 2013 in Naples a Roma child is hit by acid thrown from the balcony of a building, the child was resting in his stroller while the mother was apparently begging next to him. Police immediately start an investigation, identifying and arresting a woman residing in the building as the attacker.

- 11 March 2014, Poggioreale (Naples)<sup>119</sup> – A minor reports to her family she has been sexually abused by two Roma. The following escalation of tension results in a mob of ca. 50 persons to gather at the entrance of the Roma camp, requiring the intervention of the Police. The Roma start to collect their belongings and abandon the settlement, while the mob occasionally throws stones and firecrackers against them. The night of 14 March the settlement, abandoned by the inhabitants, is set on fire. The area of the settlement is again set on fire on 12 May 2014.

- 24 April 2014, Latina<sup>120</sup> – A minor residing in the Roma-only Al Karama formal settlement reports to the Police that during the night, following a car malfunction which forces them to stop, he and a group of other three friends are approached by a group of persons accusing them of attempted theft. They are allegedly immobilized and the group of people calls the Police. When the Police arrives the 4 Roma are allegedly beaten up and their car keys thrown away. They are then let free, but the group continues to follow them and they leave the car and escape. The following day the car is found burnt in the place where the minor reported the incident. After receiving medication, in the following days the minor files a complaint to the Police.

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<sup>117</sup> See: [http://milano.corriere.it/milano/notizie/cronaca/13\\_marzo\\_1/incendio-campo-nomadi-rom-abusivo-via-bonfadini-distrutto-rogo-baracche-2114280320950.shtml](http://milano.corriere.it/milano/notizie/cronaca/13_marzo_1/incendio-campo-nomadi-rom-abusivo-via-bonfadini-distrutto-rogo-baracche-2114280320950.shtml); [http://www.z3xmi.it/pagina.phtml?\\_id\\_articolo=4317-Sulle-manifestazioni-neofasciste-contro-campo-rom-di-via-Dione-Cassio.html](http://www.z3xmi.it/pagina.phtml?_id_articolo=4317-Sulle-manifestazioni-neofasciste-contro-campo-rom-di-via-Dione-Cassio.html); <http://www.upreroma.it/index.php/notizie/21-comunicato-stampa-13-aprile-2013>; <http://forlanini.milanotoday.it/forlanini/rom-via-dione-cassio-13-aprile-2013.html>; <http://www.naga.it/index.php/notizie-naga/items/campo-rom-di-dione-cassio-sotto-attacco.html>; [http://milano.corriere.it/notizie/cronaca/13\\_aprile\\_19/sgombero-campo-rom-via-dione-cassio-212729457241.shtml](http://milano.corriere.it/notizie/cronaca/13_aprile_19/sgombero-campo-rom-via-dione-cassio-212729457241.shtml).

<sup>118</sup> See: [http://www.ilmattino.it/napoli/cronaca/napoli\\_acido\\_da\\_un\\_balcone\\_su\\_bimbo\\_rom\\_bersagliato\\_tutti\\_i\\_giorni\\_video/notizie/339876.shtml](http://www.ilmattino.it/napoli/cronaca/napoli_acido_da_un_balcone_su_bimbo_rom_bersagliato_tutti_i_giorni_video/notizie/339876.shtml); <http://corrieredelmezzogiorno.corriere.it/napoli/notizie/cronaca/2014/25-luglio-2014/sfregio-bimbo-rom-l-acido-arrestata-223634183384.shtml>.

<sup>119</sup> See: <http://ricerca.repubblica.it/repubblica/archivio/repubblica/2014/03/13/molestie-sedicenne-scatta-la-vendetta-assalto-al.html>, [http://napoli.repubblica.it/cronaca/2014/03/15/news/incendio\\_distrugge\\_nella\\_notte\\_il\\_campo\\_nomadi\\_abbandonato-81056981/](http://napoli.repubblica.it/cronaca/2014/03/15/news/incendio_distrugge_nella_notte_il_campo_nomadi_abbandonato-81056981/), <http://corrieredelmezzogiorno.corriere.it/napoli/notizie/cronaca/2014/12-maggio-2014/incendio-ex-campo-rom-poggioreale-223208030952.shtml>.

<sup>120</sup> See: <http://www.latinatoday.it/cronaca/denuncia-rom-picchiato-polizia-latina-7-maggio-2014.html>, <http://www.ilfattoquotidiano.it/2014/05/06/latina-minorenne-rom-denuncia-pestati-in-quattro-da-polizia-e-residenti/975655/>.

- 20 May 2014, Piedicastello (Trento)<sup>121</sup> – A Molotov cocktail explodes close to the trailer inhabited by two adults and two children residing in a Sinti settlement. No one is hurt, but the inhabitants report it is not an isolated incident, in other occasions the Molotov cocktails did not explode.
- 28 June 2014, Vimercate (Monza)<sup>122</sup> – During the night three hunting rifle rounds are shot towards some vans and trailers belonging to Roma. Damages to the properties are recorded while no one is hurt.
- 6 August 2014, Altichiero (Padua)<sup>123</sup> – The inhabitants of the Roma-only settlement of via Mincio call the Carabinieri after hearing some gunshots. The Carabinieri find some blanks.
- 20 August 2014, Vigodarziere (Padua)<sup>124</sup> – During the night some gun shots target the houses of a Roma family living in a private area.
- 20 August 2014, Querceta (Lucca)<sup>125</sup> – Two trailers belonging to two Romanian Roma families, absent at the time, are set on fire in a parking. All the witnesses report having heard a moped going away moments before the blaze.
- 17 November 2014, Rome<sup>126</sup> – In the yard of the Roma-only reception facility in via Salaria, a resident finds three apparent explosive devices. The following investigation reveals that two are replicas while one is an old unexploded grenade.
- 29 November 2014, Città di Castello (Perugia)<sup>127</sup> – A Molotov cocktail explodes close to a trailer inhabited by three Roma, among which a 3-year-old child.
- 7 December 2014, Paganine (Modena)<sup>128</sup> – A Molotov cocktail hits a WC close to a housing unit in a private area inhabited by Roma.
- 8 December 2014, Padua<sup>129</sup> – A fire erupts next to some trailers in the via Bassette Roma-only settlement, the firefighters exclude a natural cause. Witnesses report having seen some people in a van moments before the blaze.
- 26 December 2014, Acilia (Rome)<sup>130</sup> – Unknown persons fire ten gunshots towards the houses of a Roma-only settlement, three rounds hit two houses and one van. According to the following investigation, four attackers with two mopeds fired the shots from two different guns.
- 11 February 2015, Latina<sup>131</sup> – A man enters the Roma-only Al Karama settlement and fires three gunshots, one hitting a housing unit, nobody is hurt. The man is arrested.
- 15 February 2015, Rome<sup>132</sup> – Three unidentified persons fire two gun shots towards a house inhabited by a Roma couple. The Police find two cartridges on the road.

<sup>121</sup> See: <http://trentinocorrierealpi.gelocal.it/trento/cronaca/2014/05/20/news/molotov-sul-campo-nomadi-di-piedicastello-1.9266284>.

<sup>122</sup> See: [http://www.ilcittadinomb.it/stories/Cronaca/vimercate-assalto-con-un-fucile-spari-contro-la-carovana-di-nomadi\\_1065160\\_11/](http://www.ilcittadinomb.it/stories/Cronaca/vimercate-assalto-con-un-fucile-spari-contro-la-carovana-di-nomadi_1065160_11/).

<sup>123</sup> See: [http://www.ilgazzettino.it/NORDEST/PADOVA/padova\\_nomadi\\_spari\\_carabinieri/notizie/836834.shtml](http://www.ilgazzettino.it/NORDEST/PADOVA/padova_nomadi_spari_carabinieri/notizie/836834.shtml).

<sup>124</sup> See: [http://www.ilgazzettino.it/PAY/PADOVA\\_PAY/spari\\_nella\\_notte\\_al\\_campo\\_nomadi/notizie/854329.shtml](http://www.ilgazzettino.it/PAY/PADOVA_PAY/spari_nella_notte_al_campo_nomadi/notizie/854329.shtml).

<sup>125</sup> See: <http://www.versiliatoday.it/2014/08/20/in-fiamme-roulotte-rom-querceta/>.

<sup>126</sup> See: [http://roma.corriere.it/notizie/cronaca/14\\_novembre\\_17/granate-centro-nomadi-ma-due-sono-finte-inerte-d4fd9f8e-6e84-11e4-8e96-e05d8d48a732.shtml](http://roma.corriere.it/notizie/cronaca/14_novembre_17/granate-centro-nomadi-ma-due-sono-finte-inerte-d4fd9f8e-6e84-11e4-8e96-e05d8d48a732.shtml).

<sup>127</sup> See: <http://corrieredellumbria.corr.it/news/citta-di-castello/157741/Molotov-contro-campo-Rom--nella.html>.

<sup>128</sup> See: <http://www.modenatoday.it/cronaca/bottiglia-molotov-campo-nomadi-paganine.html>.

<sup>129</sup> See: <http://mattinopadova.gelocal.it/padova/cronaca/2014/12/09/news/fuoco-in-via-bassette-minacce-al-campo-rom-1.10466415>.

<sup>130</sup> See: [http://www.ilmessaggero.it/ROMA/CRONACA/dragona\\_spari\\_contro\\_campo\\_nomadi/notizie/1087583.shtml](http://www.ilmessaggero.it/ROMA/CRONACA/dragona_spari_contro_campo_nomadi/notizie/1087583.shtml).

<sup>131</sup> See: <http://www.latinatoday.it/cronaca/spari-campo-rom-al-karama-latina-11-febbraio-2015.html>;  
<http://www.h24notizie.com/2015/02/latina-spari-campo-nomadi-karama-responsabile-fermato/>.

- 16 February 2015, Vicenza<sup>133</sup> – The Associazione Sinti Italiani and Rifondazione Comunista Vicenza send a letter to the Prefect of Vicenza reporting repeated violent attacks (launch of stones, verbal threats) against the Sinti community living in the via Cricoli formal settlement, calling for increased protection from the authorities.
- 17 February 2015, Padua<sup>134</sup> – During the night two Molotov cocktails explode in the Roma settlement of via Bassette and other two explode in the settlement of via Madonnina. The Police find the remainings of the explosive devices.
- 18 February 2015, Padua<sup>135</sup> – The inhabitants of the Roma settlement of via Bassette report having heard threats and intimidations coming from the close highway ramp («We stage war at you!», «We set you on fire!»).
- 20 February 2015, Vicenza<sup>136</sup> – Some posters appear in different parts of the city, stating: «We saw gypsies strolling around and checking from the windows to steal in the houses. Shoot on sight and then we will arrive».
- 22 February 2015, Calcio (Bergamo)<sup>137</sup> – During the night seven gunshots hits two vans inhabited by Roma. Six shots graze the vans while one pierces the wall and kills Roberto Pantic, 43, father of ten. Following an investigation R. C. is arrested and convicted for the killing, the judgement does not recognize the aggravating factor related to racial hatred requested by the prosecutor.
- 23 February 2015, Rome<sup>138</sup> – In a climate of increasing tensions with the residents of the neighborhood, the van of a Roma living in the Salviati settlement is set on fire.
- 6 March 2015, Creazzo (Vicenza)<sup>139</sup> – The van of a Roma family parked close to their house is smudged with swastikas and other racist insults.
- 2 May 2015, Osio Sopra (BG)<sup>140</sup> – During the night unidentified persons fire 5 gun shots and a paper bomb towards the van and the house of a Roma family. Nobody is wounded, only damages to property are recorded, Police find the cartridges and launch an investigation.
- 28 May 2015, Rome<sup>141</sup> – The day after a violent episode involving a Roma, Close to Marconi bridge a van property of a Roma family explodes after taking fire. Fire brigades investigate on the causes and report that the LPG tank is intact.
- 2 June 2015, Rome<sup>142</sup> – Two garbage bins close to the La Monachina Roma settlement take fire. Fire brigades do not exclude any hypothesis.

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<sup>132</sup> See:

<http://cartadiroma.waypress.eu/RassegnaStampa/LetturaNL.aspx?dest=osservatorio@21luglio.org&cod=162015SIB105802001>.

<sup>133</sup> See: <http://www.tviweb.it/vicenza-i-nomadi-chiedono-la-protezione-delle-forze-dellordine>.

<sup>134</sup> See: <http://mattinopadova.gelocal.it/padova/cronaca/2015/02/17/news/due-attentati-incendiari-contro-i-campi-nomadi-1.10883870>.

<sup>135</sup> See: <http://mattinopadova.gelocal.it/padova/cronaca/2015/02/19/news/nuove-minacce-in-via-bassette-urlo-ai-rom-vi-diamo-fuoco-1.10896199>.

<sup>136</sup> See: <http://corrieredelveneto.corriere.it/veneto/notizie/cronaca/2015/20-febbraio-2015/-sparate-vista-contro-zingari-volantini-razzisti-indaga-digos-2301008548172.shtml>.

<sup>137</sup> See: [http://bergamo.corriere.it/notizie/cronaca/16\\_marzo\\_29/costelli-giustiziere-esaltato-che-disprezza-rom-d5460d3e-f5a7-11e5-a42a-1086cb13ad60.shtml](http://bergamo.corriere.it/notizie/cronaca/16_marzo_29/costelli-giustiziere-esaltato-che-disprezza-rom-d5460d3e-f5a7-11e5-a42a-1086cb13ad60.shtml); [http://www.ecodibergamo.it/stories/bassa-bergamasca/calcio-uccise-un-rom-nel-campercostelli-condannato-a-18-anni-e-4-mesi\\_1157188\\_11/](http://www.ecodibergamo.it/stories/bassa-bergamasca/calcio-uccise-un-rom-nel-campercostelli-condannato-a-18-anni-e-4-mesi_1157188_11/).

<sup>138</sup> See: <http://centocelle.romatoday.it/tor-sapienza/roghi-tossici-via-salviati-incendio-furgone.html>.

<sup>139</sup> See: <http://corrieredelveneto.corriere.it/veneto/notizie/cronaca/2015/7-marzo-2015/svastica-ku-klux-klan-minacce-sale-tensione-contro-nomadi-2301077663966.shtml>.

<sup>140</sup> See: [http://www.ecodibergamo.it/stories/Bergamo%20e%20Provincia/osio-sopra-spari-contro-villa-di-rom-il-sindaco-scrive-a-mattarella-e-renzi\\_1119185\\_11/](http://www.ecodibergamo.it/stories/Bergamo%20e%20Provincia/osio-sopra-spari-contro-villa-di-rom-il-sindaco-scrive-a-mattarella-e-renzi_1119185_11/).

<sup>141</sup> See: <http://video.corriere.it/ponte-marconi-esplode-camper-rom-indagini-cause/36f10d4c-0529-11e5-ae02-fdb51684f1d6>.

- 9 July 2015, Cornigliano (GE)<sup>143</sup> – An unidentified person fires from a close by bridge with a soft-air gun towards a Roma settlement, one person is wounded.
- 24 August 2015, Brugherio (MB)<sup>144</sup> – During the night, unidentified persons scatter gasoline around a trailer inhabited by a Roma family. After being woken up by the noise, the inhabitants call the Police and report having witnessed some persons escaping.
- 9 February 2016, Bologna<sup>145</sup> – In the afternoon, a trailer is set ablaze in the parking of the via Dozza Roma settlement. Firefighters and Municipal Police think of an arson.
- 11 February 2016, Rome<sup>146</sup> – A group of 10 Roma reports to Associazione 21 luglio that their makeshift houses in a spontaneous settlement in north Rome have been vandalized and partially destroyed while absent in the morning. Two witnesses working at a construction site nearby the settlement interviewed by Associazione 21 luglio report having seen Rome Municipal Police officers roaming around the settlement at around 9.30. The same morning, the Municipal Police evicted another spontaneous settlement located 250 meters away. Rome authorities replied to a request for information by Associazione 21 luglio stating that to their knowledge none of Rome Municipal Police officers were involved in the alleged vandalism. The Roma were afraid of filing a complaint to the Police.
- 25 April 2016, Milan<sup>147</sup> – On Italy's Liberation Day, a small delegation of the Northern League Party vandalizes the empty housing units of the via Idro settlement, evicted by Milan Municipality in March 2016. One of the party representative, Mr Samuele Piscina, then states to the media: «We went to the via Idro settlement to start the demolition of the abusive shacks while the left wing hesitates, maybe waiting for the gypsies to resettle in mass».
- 3 April 2016, Rome<sup>148</sup> – After the end of a football match, a group of hooligans attempts to attack a nearby spontaneous Roma settlement. Police protect the inhabitants.
- 28 April 2016, Rome<sup>149</sup> – During the night three paper bombs target a spontaneous Roma settlement in north Rome, the attackers flee the scene in a car. A woman of Romanian nationality is injured and brought to hospital. Police launch an investigation and arrests the driver of the car the following day (29 April), charging him with personal injuries aggravated by race discrimination motive.
- 4 June 2016, Mugnano (NA)<sup>150</sup> – A spray writing stating «Imbimbo rom [Imbimbo Roma]» appears on an external wall of the house of Mr. Imbimbo, Municipal Councilor for Culture and Education of Mugnano. The Councilor defines the episode as «a failed racist intimidation attempt».
- 5 June 2016, Samassi (CA)<sup>151</sup> – During the night, rifle shots reach a house occupied by a Roma family, their car is set ablaze. Nobody is injured, only damage to property is reported. Carabinieri launch an investigation.
- 23 July 2016, Marcon (VE)<sup>152</sup> – A Roma children's arm is lightly injured by hunting rifle shot while playing outside. Police launch an investigation.

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<sup>142</sup> See: <http://www.ilfattoquotidiano.it/2015/06/02/roma-auto-travolge-i-passanti-cassonetti-a-fuoco-allingresso-del-campo-nomadi/1741302/>.

<sup>143</sup> See: <http://cartadiroma.waypress.eu/RassegnaStampa/LetturaNL.aspx?dest=monitoraggio-advocacy@21luglio.org&cod=102015SI8515707002>.

<sup>144</sup> <http://www.monzatoday.it/cronaca/attentato-incendiario-campo-nomadi-san-maurizio-brugherio.html>.

<sup>145</sup> [http://bologna.repubblica.it/cronaca/2016/02/09/news/incendio\\_doloso-133065842/](http://bologna.repubblica.it/cronaca/2016/02/09/news/incendio_doloso-133065842/).

<sup>146</sup> The episode was directly reported to Associazione 21 luglio by the affected persons, related photo documentation in possession of Associazione 21 luglio.

<sup>147</sup> See: <http://www.milanotoday.it/politica/lega-campo-rom-via-idro.html>;

[http://milano.repubblica.it/cronaca/2016/04/25/foto/milano\\_via\\_idro-138421765/1/#1](http://milano.repubblica.it/cronaca/2016/04/25/foto/milano_via_idro-138421765/1/#1).

<sup>148</sup> See: [http://roma.corriere.it/notizie/cronaca/16\\_aprile\\_03/corteo-rione-poi-tentato-assalto-campo-rom-abusivo-9d1631e8-f9ce-11e5-91c9-425ed3b43648.shtml](http://roma.corriere.it/notizie/cronaca/16_aprile_03/corteo-rione-poi-tentato-assalto-campo-rom-abusivo-9d1631e8-f9ce-11e5-91c9-425ed3b43648.shtml).

<sup>149</sup> See: <http://www.romatoday.it/cronaca/bombe-carta-viadotto-gronchi-insediamento-abusivo.html>;

<http://www.romatoday.it/cronaca/petardi-viadotto-gronchi-denunciato.html>.

<sup>150</sup> See: <http://www.internapoli.it/43629/mugnano-imbimbo-rom-scritta-razzista-contro-lassessore-alla-cultura>.

<sup>151</sup> See: [http://www.ansa.it/sardegna/notizie/2016/06/05/intimidazione-a-famiglia-rom-a-samassi\\_e6fe819a-3c5a-452d-9ef5-423835a38069.html](http://www.ansa.it/sardegna/notizie/2016/06/05/intimidazione-a-famiglia-rom-a-samassi_e6fe819a-3c5a-452d-9ef5-423835a38069.html).

- 18 July and 29 August 2016, Afragola (NA)<sup>153</sup> – A spontaneous Roma settlement in Afragola inhabited by ca. 150 persons is set on fire. The inhabitants report a man with a grey car started the fire. Police launch an investigation, but no alternative housing is offered to the Roma families, most of whom have lost their houses. On 29 August the settlement is again set on fire.

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<sup>152</sup> See: <http://corrieredelveneto.corriere.it/veneto/notizie/cronaca/2016/23-luglio-2016/sparano-bambino-sette-anni-marcon-indaga-squadra-mobile-240720774746.shtml>.

<sup>153</sup> See: <http://www.napolitoday.it/cronaca/conseguenze-incendio-campo-rom-casalnuovo.html>;  
<http://positanonews.it/articolo/178285/afrogola-baraccopoli-a-fuoco-cento-nomadi-in>;  
[http://napoli.repubblica.it/cronaca/2016/08/29/news/afrogola\\_incendio\\_nel\\_campo\\_rom-146832446/](http://napoli.repubblica.it/cronaca/2016/08/29/news/afrogola_incendio_nel_campo_rom-146832446/);  
<http://www.errc.org/cms/upload/file/Afragola%20fire%20Italy%20approved.pdf>.

## VII. EDUCATION

In the Concluding Observations resulting from the previous monitoring cycle, the Committee on the Elimination of Racial Discrimination encouraged Italy to «intensify its efforts to ensure effective access to education by Roma and Sinti children» and recommended to «take all the necessary measures to facilitate the inclusion of all Roma and Sinti children in the school system»<sup>154</sup>. High dropout rates and low school enrolment continue to affect Roma children living in precarious housing, as sub-standard housing conditions and physical marginalisation seriously affect their schooling path. According to data published by the Fundamental Rights Agency of the EU, 63% of the Roma living in Italy left school before the age of 16, 21% never enrolled in formal education and 23% did not finish primary school<sup>155</sup>. According to the Ministry for Education, in 2014/2015, 12.437 Roma pupils were enrolled in school, slightly more than the 11.657 registered in 2013/2014<sup>156</sup>. Only 248 were enrolled in second-degree secondary school (high school), confirming high dropout trends in the passage from compulsory to non-compulsory education. The Ministry of Education started publishing data on Roma pupils in 2008, when it recorded 12.342 in total. Despite the various ad-hoc schooling projects implemented during the years by various municipalities throughout Italy, the number and the distribution of Roma and Sinti pupils remains substantially unaltered, pointing to the fact that the approaches adopted in designing those projects were unable to achieve any sustainable result. Associazione 21 luglio conducted an in-depth analysis of the schooling projects addressing Roma children living in authorised settlements in Rome implemented within the timeframe 2009 – 2015<sup>157</sup>. On average, 9 Roma pupils out of 10 did not attend school regularly, while 50% are facing schooling delay and are not enrolled in the age-corresponding class. In 2014/2015, regular school attendance in the authorised settlement of Castel Romano reached the overall worst peak at 3,1%. In order to tackle the significant physical distance of the authorised Roma-only settlements from the school facilities, in some municipalities an ad-hoc bus service accompanies the pupils but, in order to serve all the settlements, it often arrives late and picks them up before the end of teaching hours<sup>158</sup>.

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<sup>154</sup> CERD/C/ITA/CO/16-18, para. 20.

<sup>155</sup> Fundamental Rights Agency, Roma Pilot Survey, 2011, results available at: <http://fra.europa.eu/DVS/DVT/roma.php>.

<sup>156</sup> Ministry of Education, Gli alunni stranieri nel sistema scolastico italiano, October 2015, available at: [http://www.istruzione.it/allegati/2015/Notiziario\\_Alunni\\_Stranieri\\_1415.pdf](http://www.istruzione.it/allegati/2015/Notiziario_Alunni_Stranieri_1415.pdf). The yearly report published by the Ministry of Education contains data only related to Roma children who are beneficiaries of schooling projects implemented by municipalities or civil society organizations. These kind of projects are typically implemented in Roma-only settlements, Roma-only reception facilities and consolidated spontaneous settlements, while Roma families living in conventional housing are not among the beneficiaries and therefore are not included in the data.

<sup>157</sup> Associazione 21 luglio, Ultimo banco, April 2016, available at: <http://www.21luglio.org/wp-content/uploads/2016/04/ULTIMO-BANCO.-Analisi-dei-progetti-di-scolarizzazione-rivolti-ai-minori-rom-a-Roma.pdf>.

<sup>158</sup> This is mainly reported in the main Italian cities such as Milan, Rome and Turin.