



ASSOCIAZIONE 21 LUGLIO ONLUS

Submission to the UN Committee on the Rights of the Child

**In response to the Italian Government's *Replies of Italy to the
List of Issues***

Eighteenth Session

14 January – 1 February 2019



Associazione 21 luglio Onlus is an independent¹ non-governmental organization committed to the promotion of Roma and Sinti rights in Italy and to the protection of the individuals and groups in extreme segregation conditions mainly through the protection of children's rights and the fight against any form of discrimination. Its main activities are human rights research and advocacy, human rights education and strategic litigation. Associazione 21 luglio was established in Rome on 6 April 2010. It is registered in the National Anti-Discrimination Office's register of anti-discrimination organizations. Associazione 21 luglio is also member of: European Roma Information Office (ERIO), FRA's Fundamental Rights Platform (FRP), Italian Coalition for Civil Rights and Freedoms (CILD), Gruppo CRC (Working Group for the Convention on the Rights of the Child), Piattaforma Infanzia (Childhood Platform) and Associazione Carta di Roma.

Roma minors living in institutional and informal settlements²

Italy does not have reliable data on the ethnic composition of the Roma and Sinti population present on the national territory. The only numbers relating to the total population are extremely approximate estimates, not supported by analyzes, studies and research. Already in December 2016, the UN Committee on the Elimination of Racial Discrimination had expressed its concern about the absence of a system for collecting this type of information³. In August 2017, the European Commission underlined the persistent lack of data, indicators and effective monitoring mechanisms capable of investigating the extent of the impact on actions to combat discrimination⁴, lack that has been re-confirmed in 2018 by the response of the Italian Government within the *Replies of Italy to the List of Issues* in relation to periodic reports of Italy requested by the Committee on the Rights of the Child⁵.

The presence in Italy of Roma, Sinti and Caminanti is estimated by the Council of Europe in a very wide range between 120,000 and 180,000 people, which would still be one of the lowest percentages registered in the European continent⁶. According to the mapping conducted in 2017 by Associazione 21 luglio, while the number of people belonging to the Roma, Sinti and Caminanti communities present in Italy is unknown, it is possible to quantify in approximately 26,000 units the Roma and Sinti people who are living in a condition of housing emergency, and more specifically in formal slums, in informal slums, in micro settlements, in Roma collection centers⁷. In the year 2017, according to data gathered through a mapping

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

² Associazione 21 luglio's report "Roma minors living in institutional and informal settlements" is submitted to the Committee on the Rights of the Child at its Eighteenth Session, 14 January – 1 February 2019. The present Submission takes into account the Fifth and Sixth Report of Italy, April 2017, CRC/C/ITA/5-6 and the *Replies of Italy to the List of Issues* in relation to the combined fifth and sixth periodic reports of Italy requested by the Committee on the Rights of the Child, October 2018, CRC/C/ITA/Q5-6/Add.1.

³ UN Committee on the Elimination of Racial Discrimination, Concluding Observations on Italy, December 2016, para. 8, available at: http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/CERD_C_ITA_CO_19-20_26015_E.pdf.

⁴ See the Communication of the European Commission to the European Parliament and the European Council, COM (2017) 458 final, *Midterm review of the EU framework for national Roma integration strategies* of 30 August 2017, available at: http://ec.europa.eu/newsroom/just/document.cfm?action=display&doc_id=46282.

⁵ See above.

⁶ See European Council, *Estimates and official numbers of Roma in Europe*, July 2012; European Union Agency for Fundamental Rights, *Roma Pilot Survey*, see: <http://fra.europa.eu/DVS/DVTroma.php>.

⁷ The constantly updated data relating to the mapping, conducted by Associazione 21 luglio, are not entirely public mainly due to concerns linked to security. The data presented did not include or take into consideration the so-called "micro-areas".

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exercise conducted by Associazione 21 luglio, in Italy there were 148 formal settlements, inhabited by approximately 16,400 people, and 2 reception centers accommodating about 130 individuals. This is a unique situation in Europe.

According to the fact-finding report on the situation of the Roma, Sinti and Caminanti populations in Italy, 60% are under 18 years of age⁸. Six years after the adoption of the National Strategy for the Inclusion of the Roma, Sinti and Caminanti (SNIR),⁹ there is growing agreement regarding the need to urgently implement truly inclusive policies and, above all, finally end the so-called “Nomad camp” approach. There remain, however, many unanswered questions as to how this can be achieved.

There continue to be forced evictions of the Roma communities from the institutional and informal camps in which they live¹⁰. Children continue to suffer the most evident consequences of these forced evictions, above all in terms of the impact on their education and social inclusion.¹¹ Also throughout 2017 and 2018, in many Italian cities there was a high number of forced evictions of Roma communities from the slums and micro-settlements in which they were living. Italy still lacks a clear regulatory framework on evictions from informal settlements, with the consequence that these operations continue to be conducted by local authorities in a discretionary manner, often in disregard of procedural safeguards provided for by international law, which turn them into clear human rights violations¹².

Furthermore, what should not be underestimated is the fact that forced evictions, despite involving high costs¹³, never address the issue of inadequate housing¹⁴; they produce the opposite outcome, that of replicating the same inadequate housing conditions elsewhere, thereby consolidating the vicious circle of poverty and exclusion, especially regarding Roma minors. As noted several times over the years by international and European human rights bodies, the failure to provide adequate alternative housing by the Italian authorities in cases of forced evictions as well as the ethnic segregation in camps exacerbate the condition of those already vulnerable.

In Italy, as also stated by the Italian Government itself in the *Replies of Italy to the List of Issues* in relation to the combined fifth and sixth periodic reports of Italy requested by the Committee on the Rights of the Child, the actions undertaken by local Administrations during and following the forced eviction of the Roma settlements are insufficient and consequently not in line with international standards; the proposal of

⁸ Cf. The Italian Senate's special committee for the protection and promotion of human rights, *Rapporto Conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia*, 9 February 2011, pp. 19 and 45.

⁹ Cf. SNIR: http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_it.pdf.

¹⁰ Cf. Associazione 21 luglio, *Annual Report 2017*, http://www.21luglio.org/21luglio/wp-content/uploads/2018/06/rapporto-inglese_completo_web_giugno_interattivo.pdf. The *Annual Report 2018* of Associazione 21 luglio will be published in April 2019.

¹¹ See also: CESCR, *Osservazioni conclusive sul quinto Rapporto Periodico dell'Italia*, October 2015.

¹² See the Concluding Observations adopted on 9 December 2016 during the ninety-first session of the United Nations Committee on the Elimination of Racial Discrimination, following the monitoring cycle on Italy (CERD / C / ITA / CO / 19-20), http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/CERD_C_ITA_CO_19-20_26015_E.pdf.; See also Associazione 21 luglio, *Beyond the slums*, *op. cit.*; Associazione 21 luglio, *Capital Sin*, *op. cit.*

¹³ See Berenice, Lunaria, *Compare and Osservazione, Segregating costs*, *op. cit.*; Associazione 21 luglio, *Nomad Camps Ltd*, *op. cit.*; Associazione 21 luglio, *Collection Centers Ltd*, *op. cit.*

¹⁴ See also: United Nations Committee on Economic, Social and Cultural Rights, *Concluding observations on the fifth periodic report of Italy*, October 2015 in correlation with the General Comment No. 4/1991 on adequate housing of the United Nations Committee on Economic, Social and Cultural Rights. <http://www.refworld.org/pdfid/47a7079a1.pdf>.

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alternative accommodation results in inadequate implementation as well as an inadequate intervention of educational support for those who have prematurely abandoned compulsory schooling. In this regard, the discriminating and segregating housing conditions in which Roma children live and, in the absence of the procedural safeguards provided for by international law, the chain of vulnerability perpetrates and repeats through forced eviction operations, affecting the schooling rates and overall the educational pathways¹⁵.

In the few cases in which a housing alternative is offered as a result of a forced eviction of a Roma camp, this results in being hosted in an emergency reception or in a temporary accommodation facility, non-including any long-term inclusive planning or path. Furthermore, as monitored by Associazione 21 luglio in several occasions as during the forced eviction of Camping River Roma settlement¹⁶, where an alternative offer is envisaged it involves the separation of the family unit. The division of the family nucleus between mother-minor children and father-adults shows that in most cases the social and housing inclusion paths, if activated, are implemented by local authorities in a discontinuous and in a non-organic way. Furthermore, regarding the specific case of the Camping River Roma settlement forced eviction, the Roma families living in the Camping, being that they did not want to split and divide their own nucleus as proposed by the local authorities, refused the housing alternative and in so doing Roma families that included the presence of a minor have been reported to the Juvenile Court by the local authorities, endangering the right of family unit as well as the best interest of the child. This kind of action is essentially in line with the so called "Contratto per il Governo del Cambiamento".

On the basis of the Italian Government's intentions stated within the *Contract for the Government of Change*, published on 18th of May 2018¹⁷, one may also envisage human rights violations against Roma, notably regarding children in school age and those that face housing emergency conditions due to the punitive measures foreseen for those that violate the compulsory school attendance for minors, namely the removal of minors from the family or the loss of parental responsibility¹⁸ not taking into account, as well as the non-balancing of, the multiple rights of the children.

In light of the *Replies of Italy to the List of Issues*, the actions taken by the Italian Government during 2018 do not involve specific focus on Roma minors. No concrete action emerges aimed at "Improving pre-school and school admission for Roma and Sinti children, promoting the non-discriminatory access to all schools

¹⁵ See Working Group on the Convention on the Rights of the Child, *The rights of children and adolescents in Italy*, 3rd Supplementary Report to the United Nations on the monitoring of the Convention on the Rights of the Child in Italy, November 2017, <http://www.gruppocrc.net/IMG/pdf/rapportocrc-x2017.pdf>; Concluding observations of the UN Committee on the Elimination of Discrimination against Women (CEDAW) of 24 July 2017, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgA84bcFRy75ulvS2cmS%2f%2bfgWNcU4%2fign%2bZiHvEZQc5SEWgcHa%2f%2bgSomFFruJyt%2fajkB5IO3%2fHDJ86%2fVRXmK72WeXGB9aYXQX5DqYUGqKWwW>; Associazione 21 luglio, *Going out to dream*, November 2016, http://www.21luglio.org/21luglio/wp-content/uploads/2017/08/uscire-per-sognare_3_4-11_web.pdf.

¹⁶ See: <http://www.21luglio.org/21luglio/sgombero-river-pagina-buia-diritti-umani/>.

¹⁷ The leader of Five Stars Movement, Luigi Di Maio, and the leader of the League, Matteo Salvini, submitted their 30 chapters' contract that stresses out the Italian political agenda for the upcoming five years. Chapter 23 is titled "Sicurezza, Legalità e forze dell'Ordine" (Security, Legality and Police forces) and the paragraph "Roma Camps": https://www.corriere.it/politica/18_maggio_16/contratto-governo-l-ultima-bozza-migranti-flat-tax-ecco-proposte-lega-5-stelle-e4e06656-5930-11e8-a92f-c55317f6ffa7.shtml.

¹⁸ According to Associazione 21 luglio approximately 7,700 school-aged Roma minors that live in formal and informal settlements in the Italian territory are directly concerned by the eventual implementation of the measure in object

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(registration, attendance and achievements) also fighting the school abandonment of RSC minors especially during primary and middle Schools” or “increasing the attending of young RSC people at University, in qualified education projects and education/employment, also through the access to students’ loans and scholarships instruments or other opportunities and services provided by Law”.

Mainstreaming policies have been implemented targeting some sections of socially vulnerable people living in Italy, although the envisaged actions have not yet stressed out the necessity of integrated national policies to solve the social and economic issues of those Roma living in institutional and informal settlements. The National Plan to fight poverty (2018–2020) that connects low income to social vulnerability foresees the possibility to have some social and economic aid for those who are eligible to obtain the so-called “ReI Card”. Although the Card has been covering the needs of some people living in economic and social vulnerability, Roma families that live in settlements have severe barriers for accessing to this social aid due to the lack of the proper and legal documentation requested by the Social Services in order to apply for it. The National Plan on Business and Human Right (2016–2021)¹⁹ of the Inter-ministerial Committee for Human Rights at the Italian Ministry of Foreign Affairs and International Cooperation, in order to implement the “Guiding Principles on Business and Human Rights” as well as the enlargement of the P.I.P.P.I. in 2017-2018 to the “social environments”²⁰ has not been incisive yet in programming effective social and educational inclusion paths regarding Roma people and minors at national and local level yet.

In many cases, the lack of legal documentations and legal permits do not allow the Roma people and minors living in Italy in institutional and informal settlements the access to the social services, the online-services, and the economic devices intended to fight poverty, social exclusion and discrimination, in so doing many Roma children and their families are *de facto* not covered by the mainstreaming measures that may involve and include them. After the approval of Law-Decree n.113/2018²¹ on October 4th 2018, the so-called “Security Decree” established rigid requirements in order to obtain the legal permit, exacerbating the situation of the Roma people that reside in Italy in formal and informal camps due to the more strict limits for the release of a regular permit and the abolishing of the humanitarian permit. The risk foreseen by Associazione 21 luglio is that the “Security Decree” may increase the number of documental irregular situations among Roma also due to the hardening of the civil registration procedures and of the requirements needed to obtain the citizenship.

Thus, one of the effects of the aforementioned is to intensify the legal and social barriers that hinder Roma parents and Roma minors that live in Italian settlements to fulfil educational and schooling paths, attendance and programs, enhancing and carrying on discriminatory policies. From the findings of UNAR, the National Contact Center, among the reports of discrimination registered in the last three years it is possible to stress out that 449 reports involve at least one minor, equal to 6.7% of the total. The “Racial Ethnic” Ground covers the 55.0% of the total with 247 reports to which are added the reports relating to the “Roma, Sinti and Caminanti”, which is the second larger group with 93 reports, 20.7% of the total²². This

¹⁹ Cf. https://cidu.esteri.it/resource/2016/12/49117_f_NAPBHRENGFINALEDEC152017.pdf.

²⁰ Cf. http://www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/focus-on/sostegno-alla-genitorialita/Documents/Linee%20Guida%20PIPI%202016_Allegato%201.pdf.

²¹ See: <http://www.gazzettaufficiale.it/eli/id/2018/10/04/18G00140/SG>.

²² Cf. *Replies of Italy to the List of Issues* in relation to the combined fifth and sixth periodic reports of Italy requested by the Committee on the Rights of the Child, October 2018,

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data points out that there remain many unanswered questions on how to implement anti-discrimination policies in order to safeguard on the grounds of the rights of the child and on how put into practise the inclusion paths envisioned for the Roma communities living in Italy.

The absence of a concrete disposition of alternative adequate housing solutions for those who live in formal and informal settlements as well as the constant use by local authorities of the forced eviction practice undermine fundamental rights, especially the right to education of Roma minors. In light of the aforementioned Italian policies and in order to build a human rights approach to the educational system in Italy, especially towards Roma children, Associazione 21 luglio deems necessary the following²³:

- Demand a speedy and effective implementation of the National Strategy of Inclusion, through the introduction of effective measures at a local level, in particular by promoting the housing desegregation of Roma and Sinti families and minors living in formal and informal settlements, as well as immediately end forced evictions throughout the country;
- Activate as soon as possible a legal and administrative regularization for those Roma people and minors living in settlements, working case by case and reducing the documental irregular situations among Roma minors in order to facilitate the acquisition of the legal permits and citizenship;
- Ban the use of a diverse ethnic-based assessment criteria, promoting inclusive and long-term policies by improving social, economic and education inclusion as well as contrasting punitive and discriminating policies in order also to reduce the social and legal barriers for those Roma people and minors who leave in formal and informal settlements;
- Increase funding for the education of foreign children and adopt permanent strategies and tools that can be employed in all schools throughout the country by also increasing anti-discrimination awareness and programs.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fITA%2fQ%2f5-6%2fAdd.1&Lang=en, section 96-98.

²³ Associazione 21 luglio remains available for further clarifications and/or requests for additional information. Due to the given limited space established for the present contribution cuts has been made; in order to have an integrated view see: Associazione 21 luglio, *Centri di raccolta S.p.a., I centri di assistenza abitativa per soli rom. I costi a Roma nel 2014 e i percorsi per il loro superamento*, May 2015: <http://www.21luglio.org/wp-content/uploads/2015/05/centridiraccoltaspa.pdf> and Associazione 21 luglio, *Roma: oltre le baraccopoli, Agenda politica per ripartire dalle periferie dimenticate, Elezioni amministrative 2016*, September 2016: <https://spire.sciencespo.fr/hdl:/2441/7eutvpa2v78csbd3opegdb6qcr/resources/vitale-oltre-le-baraccopoli-web-2-2.pdf>, the final part of the text uses the studies and contribution of Professor Tommaso Vitale, Sciences Po (Université Sorbonne Paris Cité).

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