



ASSOCIAZIONE 21 LUGLIO

Submission to the UN Committee on the Elimination
of All Forms of Discrimination Against Women at its
67th session - 03 July – 23 July 2017



INTRODUCTION:

Associazione 21 luglio Onlus¹ is an independent non-governmental organization committed to the promotion of Roma and Sinti rights in Italy and to the protection of the individuals and groups in extreme segregation conditions mainly through the protection of children's rights and the fight against any form of discrimination. Its main activities are human rights research and advocacy, human rights education and strategic litigation. Associazione 21 luglio was established in Rome on 6 April 2010. It is registered in the National Anti Discrimination Office's register of anti-discrimination organizations. Associazione 21 luglio is also member of: European Roma Information Office (ERIO), FRA's Fundamental Rights Platform (FRP), Italian Coalition for Civil Rights and Freedoms (CILD), Gruppo CRC (Working Group for the Convention on the Rights of the Child) and Associazione Carta di Roma. Associazione 21 luglio 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 submits this parallel report to the kind attention of United Nations Committee on the Elimination of All Forms of Discrimination Against Women at its 67th session (03 July – 23 July 2017), when the seventh periodic report submitted by Italy on the 27th October 2015 (CEDAW/C/ITA/7) will be under review. Associazione 21 luglio submission focuses on issues concerning Roma and Sinti women living in Italy, providing first-hand information and highlighting the main factors of concern in relation to the application and national implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women.

BACKGROUND INFORMATION

In 1985 Italy ratified United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Italian Constitution guarantees equal social dignity and equality before the law on the basis of sex and race at Article 3.6 In 2003, Italy transposed into national law the EU Racial Equality Directive, providing protection against racial and ethnic discrimination.

¹ In order to maintain its independence, Associazione 21 Luglio cannot access Italian public funding by statute. Link to the website: <http://www.21luglio.org/21luglio/>



According to the most recent estimates, approximately 180.000 Roma and Sinti live in Italy, constituting approximately 0,25% of the total population², and approximately 60% of them are minors³. 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 alone⁴.

A crucial factor which complicates the implementation of effective inclusive policies is the substantial lack of disaggregated data regarding the Roma and Sinti communities living in Italy⁵. In 2008 the Italian Government declared the “Nomad Emergency”, a state of emergency «with regard to settlements of nomad communities». Following a legal proceeding filed by a NGO, 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 power⁶. 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”⁷. In February 2012 Italy submitted its National Roma Integration Strategy (NRIS) to the European Commission⁸. 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 recognizes the inadequacy of the “camp” policy and the excessive use of forced evictions against Roma and Sinti settlements and its substantial inadequacy.

Associazione 21 luglio shares concerns of the Convention on the Elimination of All Forms of Discrimination Against Women and draws specific attention to the following issues: racial discrimination and stereotypes (both from the civil society and from institutions), access to education and early marriages.

DISCRIMINATION AND STEREOTYPES AGAINST ROMA AND SINTI WOMEN (CEDAW ARTS. 1 AND 2)

Art.1: « ... the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field».

² Council of Europe, Estimates and official numbers of Roma in Europe, July 2012.

³ Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Concluding Report of the Investigation on the Conditions of Roma, Sinti and Camminanti in Italy, 9 February 2011, p. 19 and p. 45

⁴ Strati F. (SRS), Italy – Promoting Social Inclusion of Roma, a study of national policies, European Commission, July 2011

⁵ The lack of data has also been highlighted by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, by the EU Fundamental Rights Agency and by the Committee on the Elimination of Racial Discrimination.

⁶ Council of State, Section IV, Judgement No. 6050/2011 of 16 November 2011.

⁷ Supreme Court of Cassation, Judgement No. 9687/2013 of 22 April 2013.

⁸ Italian National Strategy for the Inclusion of Roma, Sinti and Caminanti, February 2012



Art. 2: «States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: ...

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;...

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation»

The CEDAW Concluding Observations 2011 refer both to the necessity to implement a coordinated programme to combat stereotypes against women in general, which are particularly widespread in the political arena and in the media, as well as in the labour market and even in the school system. Stereotypes and prejudices are especially relevant and have deeper consequences on more vulnerable categories of women, especially Roma and Sinti. As a result, Roma and Sinti women are extremely exposed to racism and violence.

The human rights condition of Roma and Sinti women was addressed by the NRIS as well. The strategy describes Roma and Sinti women as doubly discriminated, both on gender and ethnic basis.

Associazione 21 Luglio expresses concern over the persistent patterns of discrimination of Roma and Sinti women, both at institutional level and in society.

Despite the difficulties encountered to find reliable data on the Roma and Sinti community in Italy, several reports have been drafted on the topic. In particular, six years after the release of CEDAW 2011 recommendations and five after the launch of the NRIS, the CCPR 2017 Report showed that many of the objectives of the Strategy are still to be reached.

Anti-gypsyism is a specific form of racism⁹ and a powerful obstacle in preventing Roma and Sinti inclusion¹⁰. Routine violent attacks against Roma and Sinti settlements and individuals and occasional episodes of collective hysteria, 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 Roma¹¹. Among the different forms that anti-gypsyism can acquire, hate

⁹ ECRI, General Policy Recommendation no. 13: On Combating Anti-Gypsyism and Discrimination Against Roma, June 2011.

¹⁰ 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

¹¹ 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/>.



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 ¹².

Pervasive hate speech against Roma and Sinti has three main dangerous consequences and acts as a powerful hindering factor in preventing Roma inclusion:

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

In nearly four years of activity (2013 – 31 December 2016), the Observatory recorded a total of 1.296 hate speech episodes against Roma and Sinti, 794 of whom deemed of particular gravity¹³. This results in a daily average of 3,5 episodes, or 2,2 limiting the analysis to the grave episodes. It is too early to assess the decrease in episodes occurred in 2015 and in 2016 as an indicator of a substantial change sustainable in time within the Italian society, as during the same period the political and public debate moved much of its attention towards the so-called “migrants issue”, resulting in the scapegoating of other vulnerable groups. Associazione 21 luglio considers the responsibility of Italian politicians in fueling anti-gypsyism and discriminatory sentiments as a factor of crucial concern that should be urgently addressed. Hate speech against Roma and Sinti in Italy usually adopts indirect and subtle expressions of bias, rather than explicitly racial remarks, which can also become the substrate and produce ethnic and racial violence. Through its daily monitoring activity Associazione 21 luglio registers episodes of violence and violent attacks targeting Roma¹⁴ such as the episode on 28 April 2016 in Rome when, during the night, three paper bombs targeted a spontaneous Roma settlement in north Rome, the attackers fled the scene in a car. A woman of Romanian nationality was injured and taken to hospital. Police launched an investigation and arrested the driver of the car the following day (29 April), charging him with personal injuries aggravated by race discrimination motive¹⁵. On February 23, 2017 in Follonica (Tuscany) three employees of Lidl supermarket locked up in a forklift two Roma women intent on digging inside the bins, filmed the women screaming and

¹² 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

¹³ Data disaggregated per year: 2013 – 456 episodes, of which 255 categorized as grave; 2014 – 400, of which 191 categorized as grave; 2015 – 265 episodes, of which 146 categorized as grave; 2016 (1 January – 31 December) – 175 episodes, of which 57 categorized as grave. From January to June 2017, the Observatory has registered 84 cases of antigypsyism language towards Roma and Sinti, including 62 cases of stereotyped discourse and 22 cases labelled as “hate speeches”

¹⁴ See Associazione 21 luglio’s *Annual Report 2015* http://www.21luglio.org/wp-content/uploads/2016/04/Rapporto_annuale_2015_def_web.pdf and Associazione 21 luglio’s *Annual Report 2016* http://www.21luglio.org/21luglio/wp-content/uploads/2017/04/RAPPORTO-ANNUALE_2016_WEB.pdf.

¹⁵ See: <http://www.romatoday.it/cronaca/bombe-cartaviadotto-gronchi-insediamento-abusivo.html>.



asking for help since they were trapped inside. The supermarket employees laughed at them as they spun the images and then released the video on the social media¹⁶. This very grave episode had indeed violated the human dignity of the victims by depriving them of their personal freedom and lead to gender identity and ethnic belonging discrimination.

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 kind¹⁷. 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 intervention¹⁸, an outcome that could hardly be deemed satisfactory.

2. ACCESS TO EDUCATION FOR ROMA AND SINTI WOMEN (CEDAW ART. 10)

Art. 10: «States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: ... (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely»

CEDAW Concluding recommendations 2011 specifically focus on the field of education of girls. In particular, the Committee expressed “concern” about “the high dropout rates of Roma and Sinti girls and women from school”, as it may lead them to “remain in a vulnerable and marginalized situation with regard to access to education”.

The NRIS dedicated an entire section to the issue of education of Roma and Sinti children, as access to primary and secondary education is considered one of the main objective to implement. Special measures in this field are reserved to girls, as they tend to show a higher school dropout rate. The NRIS thus aimed at develop specific policies for the inclusion of girls – particularly teenage mothers and their children.

¹⁶ See: <http://www.ilfattoquotidiano.it/2017/02/23/follonica-due-donne-frugano-tra-la-merce-fallata-gli-addetti-le-rinchiudono-le-filmano-e-le-deridono/3411608/>.

¹⁷ 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.

¹⁸ Through its National Observatory Against Hate Speech, Associazione 21 luglio routinely reports to and engage with UNAR.



The NRIS included data on literacy rate and school drop-out in the Roma community, collected by the Italian Red Cross in 2008. These statistics showed that, in the city of Rome, 41,42% of people living in formal settlements did not have “any level of education”; 8,44% of them had completed primary school; the number rose to 13,29% for secondary school. However, only 1,10% had finished high school and 0,26% was graduated. No gender-sensitive data were furnished though.

Associazione 21 Luglio expresses concern over these alarming percentages as this situation seems to have remained static during the years. Despite some efforts have been made, the programs that have been implemented so far still fail to embrace the problem at a national level.

Associazione 21 Luglio published a quantitative and qualitative research¹⁹ on this phenomenon in 2016, showing the real number of Roma and Sinti children living in formal settlements in Rome and attending school. The data show that in 2014-2015:

- 30,3% has not attended a single school day;
- 69,7% has attended “at least one day” of school;

The lowest school attendance rates were registered concurrently with the periods when the harshest forced eviction campaigns were implemented in Rome, for example in 2012-2013;

- An insufficient attendance rate is registered in 87,7% of cases in 2014-2015, while only 12,30% of children regularly attended school in the same period;
- Roma and Sinti students tend to attend classes with younger Italian students (70,5% in 2014-2015): this often leads to an increase in feelings of inadequacy, and undermines their socialization in the school environment;
- School evasion rate is registered to be 18% for Roma students (compared to 0,2% for their Italian counterparts).

The reasons behind these discouraging data are diversified: Roma and Sinti students are shown to have a feeling of frustration related to school. This is due to their linguistic barrier that obstacles them with homework, during classes and in their socialization with the other students; for this reason teachers tend to give them “easier” homework to do and to tend not to evaluate them at all. Moreover, physically reaching school is very complicated for many of them, as the settlements they live in are usually isolated and distant from their schools.

¹⁹ Associazione 21 Luglio, “Ultimo banco: analisi dei progetti di scolarizzazione rivolti a minori rom a Roma”, 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>



3. EARLY MARRIAGES (CEDAW ART. 16.2)

Art. 16.2: «*The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory*».

In the CEDAW Concluding Observations 2011, the organization expressed “concern” over the violence and discrimination on the ground of sex that vulnerable Roma and Sinti women and girls may face within their own communities, including early marriages. The Italian National Strategy 2012-2020 only refers to early marriages as one of the multiple causes of school drop-out rate among Roma and Sinti children and young girls.

Early marriages, forced and combined, are an ancient practice, and nowadays refer mostly to minors belonging to low-income families²⁰. At present, around 37,000 girls in the world marry each day before they reach the age of majority²¹.

The concept of “minor age” is, however, a controversial issue in which the approach to human rights may sometime conflict with the principles of cultural relativism. The UN Convention on the Rights of the Child²² is the reference point to the issue; the CRC defines a child anyone who has not yet reached the age of 18 or who has not reached the age of majority as established by national legislation²³. The worldwide distribution of the early marriage phenomenon seems to show a relationship between this practice and the poor economic and education conditions of the individuals and of the families²⁴. Housing precariousness, social and economic insecurity as well as grave forms of discrimination or stigmatization favor the spread of early marriages, since in response to these issues early marriage would strengthen social networks, give economic stability and social secureness. Associazione 21 Luglio considers as a priority to first thoroughly comprehend the early marriage phenomenon and understand its social and economic basis by collecting and analyzing statistical data.

In brief, the phenomenon of early marriage is to be envisaged as particularly worrying and delicate since it prevents girls and women to develop their full potential, emancipate from the poverty circle they are trapped in, and ultimately improve their life conditions.

²⁰ See Save the Children, *Every Last Girl. Free to live, free to learn, free from harm*, London, 2016: <http://www.savethechildren.org.uk/resources/online-library/every-last-girl>.

²¹ See Save the Children, *Every Last Girl. Free to live, free to learn, free from harm*, London, 2016: <http://www.savethechildren.org.uk/resources/online-library/every-last-girl>.

²² See: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

²³ In Italian legislation, a minor is a boy or a girl that has not reached the age of 18 yet. The Italian legal framework regulate also the marriage of the so-called “emancipated minor”, that is a emancipated boy or girl that have reached the age of 16 and who was formally authorized by Italian’s Court for Minors to marry his/her partner in accordance with the consensus of their parents.

²⁴ See Because I am a Girl & Plan International, *The State of the Worlds Girls 2013*, New York, 2013; http://www.planuk.org/assets/Documents/pdf/BIAAG_2013_Report_In_Double_Jeopardy_ENG.pdf



CONCLUDING REMARKS AND RECOMMENDATIONS

This report focused on three aspects of the living conditions of Roma and Sinti women and girls in Italy: discrimination and stereotypes, access to education and early marriage. These are shown to be intrinsically correlated. In effect, the condition of ethnic and gender discrimination (double discrimination) suffered by Roma and Sinti women conditions both their marital choices (or impositions) and their experiences in the school environment.

In view of these considerations and of the previous observations and recommendations published by CEDAW, considered the obligations deriving from the ratification of the Convention on the Elimination of All Forms of Discriminations Against Women and the launch of the National Strategy for Roma and Sinti 2012-2020, we invite the Italian State to:

- Take urgent measures to safeguard Roma and Sinti women and girls from discrimination, at an institutional level, within their communities as well as in the entire society;
- Collect reliable data and statistics on the conditions of Roma and Sinti women, especially focusing on access to education;
- Promote campaigns on anti-gypsyism in schools and programs for teachers in order to sensitize them on the Roma and Sinti students' condition, also by a gender-sensitive approach;
- Overcome the social and economic conditions and barriers that determine and influence the early marriage phenomenon as well as gender discrimination.