



Associazione 21 Luglio

Submission to the UN Universal Periodic Review Concerning Italy

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Associazione 21 luglio is an independent 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), Gruppo CRC (Working Group for the Convention on the Rights of the Child) and Associazione Carta di Roma.

This submission highlights the different aspects of discrimination faced by Roma and Sinti in Italy, focusing on discriminatory policies, measures and practices which continue to keep the Roma and Sinti that live in housing emergency conditions trapped in a vicious cycle of poverty and social exclusion.

1. Background and normative and institutional framework

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 people¹, constituting about 0,25% of the Italian total population. 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 Italy². According to the mapping conducted in 2018³ by Associazione 21 luglio it is possible to quantify in approximately 25.000 units the Roma and Sinti people⁴, of which approximately 55% of them are minors⁵, who live in housing emergency conditions⁶, and more specifically in: institutional slums⁷, informal slums⁸, micro

¹ Council of Europe, Estimates and official numbers of Roma in Europe, July 2012.

² This lack of data has been highlighted also 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.

³ Associazione 21 luglio's mapping is the result of its constant monitoring action as well as of the figures collected through the request of data regarding the presence of Roma and Sinti individuals in the various local Roma settlements addressed to civil society organizations and to institutional local bodies and offices.

⁴ See: Associazione 21 luglio's *Annual Report 2018*, soon to be published in April 2019.

⁵ See Associazione 21 luglio's *Annual Report 2017*, April, 2018, available on http://www.21luglio.org/21luglio/wp-content/uploads/2018/06/rapporto-inglese_completo_web_giugno_interattivo.pdf,

⁶ The number of Roma and Sinti living in formal and informal slums is equal to 00.4% of the Italian population.

⁷ The institutional slums, inhabited by people of Roma origin, are those settlements that are designed, built and managed by public authorities. They are mono-ethnic settlements falling short of international standards with regard to both the hygienic-sanitary conditions as well as the structural conditions of the settlement itself and of the housing units. Over the years, some institutional slums in the suburbs of some important cities have turned into so-called "tolerated settlements", areas no longer authorized, but to which the local authority continues to provide minimum services. In other cases, "tolerated" settlements were born as informal areas in which, over time, local administrations have formally recognized and legitimized the presence of the people present.

⁸ The informal slums, also inhabited by people of Roma origin, are spontaneous and mono-ethnic settlements that develop on public areas. In everyday language, they have often been called "illegal camps". They consist of precarious homes (caravans, tents, shacks built with waste material, metal sheets or wood) where running water, heating, a water supply, sewerage and lighting are often absent. Because of the repeated forced evictions, the number of inhabitants present in the various slums has become so tiny that, in some cities, what is left is almost exclusively an informal micro-settlements.



settlements and Roma collection centres⁹. In the year 2018, according to data gathered by Associazione 21 luglio, in Italy there are 127 formal slums, inhabited by approximately 15,000 Roma and Sinti, 1 Roma collection centre accommodating roughly 100 individuals and approximately 10,000 Roma living in informal slums and in micro settlements.

1.1 The Regional laws

Since 1984¹⁰ 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 wrong conviction that Roma and Sinti are “nomads”, 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 laws¹¹ had a common thread: they foresee the design and construction of “authorised camps” specially tailored for Roma and Sinti communities, thus promoting and justifying segregating and excluding policies. Even if initially the realization of camps 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.

Although many of these laws have been repealed over the years, the perception of the Roma people as nomad communities has remained unchanged; in fact, this phenomenon is embodied by the various policies implemented throughout these recent years that foresee the construction of new settlements in order to host Roma and Sinti people (*see footnote no. 10*).

⁹ The Roma only collection and reception centres are real estate accommodating individuals or families who have been victims of forced evictions, that are set up by various municipal administrations to provide a structured accommodation on a *de facto* ethnic basis.

¹⁰ 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”, repealed proposed in April 2018; law n. 47/1988 of Emilia Romagna Region, “Norms for nomads minorities in Emilia Romagna”, modified by law n. 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” to which title IV has been repealed with art. 51, paragraph 1, letter b), L. R. 20/2016, but the repeal is not concerning the right to housing; law n. 77/1989 of Lombardia Region, “Action for the protection of populations belonging to traditionally nomad and semi-nomad ethnicities”, repealed in June 2015; law n. 54/1989 of Veneto Region, “interventions for the protection of Roma and Sinti culture”, repealed in March 2016; 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”, repealed by Regional Law no. 11 of 9 April 2015 and in relation to the right to housing, replaced by art. 335 of the same law (concerning camps and transit areas); 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”, repealed proposed in June 2018 and motivated on the grounds of its discriminatory rule towards Italian citizens; 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”.

¹¹ With the exception of the laws of the Region Toscana and of the Autonomous Province of Trento, which, even if presenting some objectionable issues, propose a diversified range of housing solutions, and aim to overcome the mere handout approach.



1.2 Incitement to racial hatred: legal framework

Italy's criminal code does not provide a definition of hate crime. Following the entry into force of the Legislative Decree n. 21 of 1 March 2018, criminal offenses based on racial, ethnic, national and religious discrimination are regulated by articles 604 bis and 604 ter of the penal code in a new section entitled "Crimes against equality". The articles 604 bis and 604 ter of the Penal Code are entitled "Propaganda and incitement to commit crime for discrimination on racial, ethnic and religious ground" and "Aggravating circumstances", criminalises: a) incitement to racial discrimination; b) racial discrimination; c) incitement to racial violence; d) racial violence; e) the promotion of ideas based on racial superiority or ethnic or racist hatred; f) the setting up or running of, participation in or support to any organization, association, movement or group whose purpose is the instigation of racial discrimination or violence.

It should also be noted that the term "dissemination", used in the Mancino Act abrogated nowadays, in article 604 bis of the Penal code replaced by the term "promotion" (propaganda) of ideas based on racial superiority or ethnic or racist hatred. The replacement of the term "dissemination" by the term "promotion" as a step backwards which could restrict the scope of the law and reduce the possibility of prosecution, in particular for certain racist remarks exchanged in discussion groups on the Internet.

Furthermore, Italy ratified the Convention on Cybercrime of The Council of Europe, but it has not yet ratified the Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems¹². The ratification of this Protocol would constitute a useful instrument in effectively addressing xenophobic messages and hate speech through the internet, which constitutes a worryingly increasing phenomenon¹³.

1.3 From the "Nomad Emergency" to the National Strategy

In 2008 the Italian Government declared the "Nomad Emergency", a state of emergency «with regard to settlements of nomad communities»¹⁴. On 16 November 2011 the Council of State declared unlawful the Decree at the base of the "Nomad Emergency"¹⁵. 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.

¹² See Law proposal C. 1094 presented on 6 August 2018 by Deputy of the legislature Lia Quartapelle Procopio: "Ratification and execution of the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalization of acts of racism and xenophobia committed through information systems, done in Strasbourg on 28 January 2003" (1094), <http://www.camera.it/leg18/126?leg=18&idDocumento=1094>.

¹³ Associazione 21 luglio, which daily monitors media and web contents through the activity of its National Observatory Against Hate Speech (www.osservatorio21luglio.org), is particularly concerned about the increasing diffusion of anti-Roma and racist contents in web pages, social networks, blogs and in news websites which allow users to place comments.

¹⁴ 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.

¹⁵ Council of State, Section IV, Judgement No. 6050/2011 of 16 November 2011.



In February 2012 Italy submitted its National Roma Integration Strategy (NRIS) to the European Commission¹⁶. 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. After seven 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 (*see infra*).

Considering the latest developments in the Italian political frame, one may also envisage an increasing risk of human rights violations that may recall the “Nomad Emergency” period as well as mark a severe and negative impact on the Roma communities living in Italy.

On the 18th of May 2018, the two winning parties from the last Italian elections, published a programmatic document, known as the “Contratto per il Governo del Cambiamento” (Contract for the Government of Change), in the following referred to as “Contract”. The leader of Five Stars Movement and the leader of the League submitted their 30 chapters’ contract that stressed 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” of this chapter reports that all the non-authorized Roma settlements that are disseminated in Italian territory must close, risking to implement policies that may bring to the expulsions of the people living in Roma settlements by denying the proper evaluations on individual basis and non-ensuring procedural guarantees and legal remedies¹⁷. The *Contract* envisage also sanctions for those Roma that do not respect the compulsory school attendance for minors, such as the removal of the minor from the family or the loss of parental responsibility¹⁸.

In light of the abovementioned intentions of the present Government that resemble the approach already used during the period of the “Nomad Emergency”, specifically in the rhetoric itself as well as in the way the Roma issue is stressed out, an alarming scenario is to be expected, that could lead to human rights violations and may initiate a novel emergency. Thus, it is singular how the Roma issue is faced again in terms of Public Security. Mass expulsion for those Roma that live in housing emergency conditions and punitive measures concerning those that violate the compulsory school attendance for minors, namely the removal of minors from the family or the loss of parental responsibility, may be implemented by public authorities and represent a severe racial and ethnic discrimination towards Roma communities.

Facing Roma issues in terms of a securitarian approach is still an ongoing policy. Therefore, on 9 March 2019 the Prefecture of Rome along with the Committee for Order and Security and the Quaestor of Rome (Police Commissioner) delivered an ordinance that established an H24 dynamic surveillance and patrol service on the outside perimeter of the Roma settlements in Rome¹⁹. The measure is taken in order to prevent toxic burnings within the settlements. The territory control service will be operating starting from

¹⁶ Italian National Strategy for the Inclusion of Roma, Sinti and Caminanti, February 2012.

¹⁷ See: European Directive 2004/38/EC.

¹⁸ See *Corriere della sera*, Virginia Picolillo, “Contratto di governo, l’ultima bozza: dai migranti alla flat tax, ecco le proposte di Lega e 5 stelle”, 17 May 2018:

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.

¹⁹ See, *RomaToday*, L.N., “Guerra ai roghi tossici nei campi rom: vigilanza h24 con l’Esercito. Si parte da via di Salone”, 09 March 2019.



Salviati, Salone and Castel Romano Roma settlements. Furthermore, from March 12th technical support given by 39 soldiers of the Italian Sassari Brigade Army will be implemented in the surveillance operations²⁰.

2. Promotion and protection of human rights on the ground and follow-up to the accepted recommendations of the 2014 UPR

2.1 UNAR

(2014 UPR Recommendations: 145.86, 145.87, 145.88, 145.89)

UNAR, the Italian National Roma Contact Point for the implementation of the NRIS, has not had an effective role for the implementation of the NRIS during the period 2012 to 2019. It should be emphasized that since the adoption of the National Strategy in Italy in 2012 UNAR has changed four directors, and currently, according to the governmental intentions there will be no appointment of the fifth following the end of the mandate of the present director in March 2019²¹.

In recent years, UNAR focused its attentions towards the construct the creation of the Roma National Platform as well as promote initiatives²² aimed at remembering the *Porrajmos*, the genocide of approximately 400.000 Roma and Sinti perpetrated in the concentration camps by Nazi-fascism during the Second World War, and its institutional recognition. UNAR hosted in 2017 and 2018 the first meetings of the Roma National Platform, involving a multiplicity of Roma and non-Roma associations. At the same time, UNAR set up the work of the Forum, a smaller group for the representation of the instances concerning the planning of the priority interests of the Roma, Sinti and Caminanti communities²³.

Notwithstanding the last initiatives promoted by UNAR, the National Contact Point remains a weakened institution. UNAR's lack of independence has been repeatedly highlighted by Associazione 21 luglio. 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 ministries²⁴. 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 of

²⁰ See the Roman police headquarter news at: <http://questure.poliziadistato.it/Roma/articolo/19985c83b25226509950542952>, 9 March, 2019.

²¹ Until July 2012 the Director of Unar was Massimiliano Monananni; from the last part of 2012 until December 2015 Marco De Giorgi was nominated Director of Unar; Francesco Spano was nominated Director of Unar on January 2016 until his resignation on February 2017; the nominee of new Director remained vacant for almost one year until February 2018, date when Luigi Manconi was appointed Director of Unar.

²² See Unar news, "L'Unar a Lanciano il 5 ottobre 2018, inaugura il monumento dedicato all'Olocausto di Rom e Sinti", 3 October 2018, <http://www.unar.it/lunar-a-lanciano-il-5-ottobre-2018-inaugura-il-monumento-dedicato-allolocausto-di-rom-e-sinti/> and Unar news, "Calendario eventi Giornata della Memoria 2019 – Porrajmos", 23 January 2019, <http://www.unar.it/calendario-eventi-giornata-della-memoria-2019-porrajmos/>.

²³ Available on Unar's website, see: http://www.unar.it/wp-content/uploads/2018/04/Decreto_Piattaforma-Forum_RSC.pdf.

²⁴ 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 2018, October 2018, available at: <https://www.equalitylaw.eu/downloads/4687-italy-country-report-non-discrimination-2018-pdf-2-02-mb>.



international and European monitoring bodies by also presenting data and signing the institutional Italian State Reports on human rights and discrimination issues, as for example: Cerd, Osce-Odihr, Hrc and Cedaw. UNAR's non-independent nature and its structure and conformation deeply affects its mandate resulting in a considerably limited effectiveness in tackling discrimination issues²⁵, also in that UNAR has no sanctionatory and/or deterrent means available on its own²⁶. It should be stressed out that structural reform of UNAR is needed in order to establish an independent body of control of human rights at a national level and in order to provide stability to the UNAR governance.

2.2 NRIS

(2014 UPR Recommendations: 145.146, 145.147, 145.148, 145.149, 145.150, 145.151)

The NRIS, as submitted, 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. Moreover, administrative and organizational complications hindered the coordination among the different level of governance of the NRIS due to top-down approach that characterizes the implementation on the ground of the document. Furthermore, the NRIS being a strategic and programmatic non-binding document lacks of an operational transposition at the different levels (national, regional, local) as well as of tools suitable to ensure and guarantee a concrete execution of it.

Concerning monitoring and evaluation activities, the NRIS does not define the responsibilities, the structures, the mechanisms and the instruments to perform the monitoring and evaluation of Roma inclusion policies. The NRIS is document that lacks aspects related to its operational transposition at the different levels (national, regional, local). After seven years since its submission, the concrete application of the NRIS results in considerable delay²⁷. Despite the formal closure of the "Nomad Emergency", and the

²⁵ One may stress out UNAR's limited effectiveness in tackling discrimination issues by the non-implementation of any corrective actions in the so called "Donazzan case". The Regional Assessor for Education Elena Donazzan during the Veneto Regional Council stated: «If you want to have any hope of educate them, you must remove children aged 0 to 6 from Roma and Sinti parents», *La Nuova di Venezia e Mestre*, Vera Mantengoli, 8 December 2017, <https://nuovavenezia.gelocal.it/venezia/cronaca/2017/12/08/news/donazzan-i-bambini-rom-vanno-tolti-ai-genitori-1.16213390>.

The statement was pronounced as an observation to an amendment by Councilor Claudio Sinigaglia who had put forward some proposals in order to support scholastic insertion for Roma and Sinti children. In response to the Donazzan discriminatory declarations, Associazione 21 luglio sent a report to UNAR and to the National Children's Authority as well as a letter of formal notice to the Assessor. In 2018, the second level of UNAR's Contact Centre enrolled and archived the report as harassment but decided not to proceed in any further action.

²⁶ 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 2018, October 2018, available at: <https://www.equalitylaw.eu/downloads/4687-italy-country-report-non-discrimination-2018-pdf-2-02-mb>.

²⁷ Some measures aimed at implementing inclusive projects in the sanitation field and in schooling have been adopted by local authorities. Still the measures implemented remain spot actions that do not have a long term range in their planning and application. By way of example, in the sanitation field, vaccination campaigns for minors that live in Roma settlements were carry out in some Municipalities by the local health structures, such as in Rome, (see: <https://www.aslroma1.it/comunicati/vaccini-parte-il-piano-per-quattro-campi-rom-coinvolti-piu-di-400-bambini>) as well as in the schooling filed in the three-year period 2017-2019, the National Project for the Inclusion and Integration of Roma, Sinti and Caminanti children, promoted by the Ministry of Labor and Social Policies has been implemented. The three-year period is the natural continuation of the "Experimental Project" launched in 2013, involving 13 Italian metropolitan cities and having various objectives, including: improving inclusion in education and the educational achievements of minors, combating school drop-out, promoting access to local services and the active participation of



adoption of the NRIS, no substantial improvement of the living conditions of Roma and Sinti families that live in housing emergency conditions can be recorded on the ground, nor any mechanism to provide access to an effective remedy for the human rights violations in the forced eviction operations has been implemented in 2017 and 2018²⁸. The following part highlights those policies implemented by several Italian local authorities that are targeting Roma people in contrast with the NRIS as they reiterate the implementation of housing segregation and forced eviction procedures.

- *2.2.1 Segregated and sub-standard housing*

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. Moreover, the CERD highlighted specific measures to be implemented in order to eradicate discrimination against Roma in its General Recommendation No. 27²⁹. The Italian authorities have repeatedly failed to meet these international obligations and recommendations, as they continued with the practice to officially construct and manage the so called “authorised camps”³⁰, and to provide Roma and Sinti families with housing units inside them. According to the mapping conducted in 2018 by Associazione 21 luglio it is possible to quantify in approximately 25.000 units the Roma and Sinti people, of which approximately 60% of them are minors, who still live in housing emergency conditions. In the year 2018, according to data gathered by Associazione 21 luglio, in Italy there are 127 formal slums, inhabited by approximately 15,000 Roma and Sinti, 1 Roma collection centre accommodating roughly 100 individuals and approximately 10,000 Roma living in informal slums and in micro settlements.

The “authorised camps” 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. Despite the commitment of the Italian authorities to overcome discriminatory segregation and sub-standard housing conditions in “authorised camps”, as stressed out in the NRIS, the persistence of the “encampment policy” addressed towards Roma and Sinti has continued to attract criticisms from a number of human rights monitoring bodies also in recent years³¹. None of the settlements

Roma, Sinti and Caminanti families. The project foresees the involvement of 5,580 students, approximately 600 Roma, Sinti and Caminanti children and 81 schools (see: <https://www.minori.it/it/progetti-sperimentali-285/il-progetto-rsc>).

²⁸ Forced evictions are still carried out by public local authorities: in 2017, Associazione 21 luglio has recorded a total of 230 forced evictions of Roma and Sinti people throughout Italy; in 2018 the *Association* recorded 195 forced evictions of Roma and Sinti living in informal and micro-settlements.

²⁹ CERD, General Recommendation No. 27, Discrimination against Roma, 16 August 2000.

³⁰ As an example, the “Via del Riposo” settlement in Naples, opened in April 2017, and the “camp” in Afragola, Naples, are the last “authorized camps” built *ex-novo* by the Italian authorities. See Associazione 21 luglio’s *Annual Report 2017* and the upcoming *Annual Report 2018*.

³¹ The Observations adopted by the United Nations Human Rights Committee (HRC) on March 23rd 2017, expressed concern in relation to the continuous discrimination and segregation of Roma and Sinti in Italy, see: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fITA%2fCO%2f6&Lang=en; The UN Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding Observations of July 24th 2017, expressed vivid concern for the high school drop-out rates among Roma girls and for their low level of school attendance, see: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgA84bcFRy75ulvS2cmS%2f%2bggWNcU4%2fign%2bZiHvEZQc5SEWgcHa%2f%2bgSomFFruJyt%2fajkB5IO3%2fHDJ86%2f->



meets the international standards set forth in the CESCR's General Comment No. 4. The "authorised camps" are often fenced and equipped with CCTVs, with a 24h security guard checking the entrance. The housing units (mostly containers, trailers or bungalows) are overcrowded 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 hygienical and sanitary conditions, posing a grave threat to the health of the inhabitants³², and they frequently lack adequate access to one or more of the most basic services like drinking water³³, sanitation facilities³⁴ 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 society³⁵. Some local administrations during the last years tried to tackle the issue of overcoming Roma settlements. The implementation of the envisioned plans³⁶ aimed at the social and housing inclusion of Roma people living in settlements, still these have not led yet to a significant change of the living conditions of those Roma and Sinti that are in a housing emergency status³⁷.

VRXmK72WeXGB9aYXQX5DqYUGqKWwW; The Resolution CM/ResCMN (2017) 4 of July 5th 2017 on the implementation of the Framework Convention for the Protection of National Minorities recommended Italy to take action to rectify the shortcomings at national legislative level in the protection of the rights of Roma, see: search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168073038c; The Office of the UN High Commissioner for Human Rights, highlighting the consequences in terms of social vulnerability of restrictive immigration policies in place on the national territory, see: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E>; The Commission of Justice of the European Commission on July 4, 2018 expressed a strong concern regarding the possibility of carrying out ad hoc ethnic censuses for the Roma communities living in Italy, see: http://www.ansa.it/english/news/2018/07/04/roma-census-talk-deplorable-ec-3_c0b75af5-0959-48b8-b92c-e7fd7e8c56b6.html.

³² During the interviews carried out in "authorised camps" 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.

³³ 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.

³⁴ All the sanitation facilities observed in the "authorised camps" are inadequate, either because of the extremely deteriorated conditions or because of the inadequacy in quantity in relation to the number of inhabitants.

³⁵ See Associazione 21 luglio's *Annual Report 2017*, available on <http://www.21luglio.org/21luglio/wp-content/uploads/2018/06/rapporto-inglese-completo-web-giugno-interattivo.pdf>, and the upcoming *Annual Report 2018*.

³⁶ See the Municipality of Turin Roma Special Project: http://www.comune.torino.it/bandi/pdf/files/avviso_ass_tec_campi_nomadi_2018.pdf and the Municipality of Rome Plan for the Inclusion of Roma, Sinti and Caminanti population: https://www.comune.roma.it/web-resources/cms/documents/Del_G_C_105_26_maggio_2017.pdf.pdf. In specific, the Roma Plan of the City of Rome was adopted by the City Council on the 26 May 2017, "Guideline Plan of the Rome City Council for the Inclusion of the Roma, Sinti and Caminanti Populations" (Resolution No. 105/2017). The *Plan* acts on the four axes envisaged by the "National Inclusion Strategy of Roma, Sinti and Caminanti": housing, employment, schooling and health. It concerns only the 4,500 Roma surveyed in the previous months in 9 formal settlements of Rome. The *Plan* was first tested on the occasion of the "closing" of the Camping River formal settlement.

³⁷ For instance, one may refer to the Camping River Roma settlement case. **The Roma Camping River settlement**, located in the XV District and listed since 2005 as an "equipped village" until the end of September 2017, was considered a private campsite (with an area of 11,151 square meters) for the reception of Roma families, mainly from Bosnia Herzegovina and Romania, thanks to an agreement between the managing body and the Municipality of Rome, which was periodically renewed by direct assignment procedures for an annual amount of approximately 1.200.000 euros. **At the beginning of 2017 the Municipality of Rome, within this settlement, registered the presence of 420 people.** On the 4th of July, the "Special Office for Roma, Sinti and Caminanti" sent a letter to each of the Camping River dwellers with the object "Closure of the Camping River Equipped Village on the date of 30/09/2017. Communication of dismissal" During all the process the measures foreseen within the "Roma Plan" were not implemented as well as no social inclusive paths were envisaged. From 1 October 2017 Camping River Roma Village it has been no longer considered an "equipped village" but a private occupied area, thus is definitively "downgraded" to an informal settlement. On 13 July 2018, Ordinance No. 122 was delivered by the Mayor of the City of Rome with the Object: "Private Area located in Via



- 2.2.2 Forced evictions

Roma and Sinti continue to be repeatedly forcibly evicted from institutional and informal settlements by the authorities throughout Italy³⁸. Forced evictions constitute a gross violation of human rights³⁹ and have dramatic consequences on the life of children and they disproportionately impact on their educational paths⁴⁰. As monitored by Associazione 21 luglio in 2017, a total of 230 forced evictions of Roma and Sinti people were recorded throughout Italy; in 2018 the *Association* recorded 195 forced evictions of Roma and Sinti living in informal and micro-settlements. When evicting Roma and Sinti families, the Italian authorities hardly ever apply the procedural protections foreseen by international instruments⁴¹: in most of the cases evictions are carried out authorities in a discretionary manner, without a formal notice, therefore impeding the access to a legal remedy, and without an advance notification, in absence of any kind of consultation; often evictions result in people being rendered homeless, as no adequate alternative housing solution is provided to those unable to provide for themselves⁴².

The most common arguments brought by the authorities to justify forced evictions are related to the precarious hygienic-sanitary conditions of informal settlements⁴³. When evicting, in most cases threats are made by local authorities to the Roma families living in the informal slums days before the eviction in order to make the Roma leave the settlement before the removal occurs and, in specific, threats are made concerning the removal of minors from the family or the loss of parental responsibility if they do not accept to move from the settlement⁴⁴.

Tenuta Piccirilli no. 207. Urgent measures for the safeguard of the sanitation, public health and environment” that established the eviction of “*all the people located within the settlement by the peremptory time limit of forty-eight (48) hours from the notification of the present Ordinance, in order to prevent the risk for their health*”. **On 19 July 2018, Ordinance No. 122 was notified to the Roma families within Camping River. No alternative and adequate housing solutions are provided by the public authorities as well as no proper solutions are mentioned within the Ordinance.** Thus, on 16 July 2018, three dwellers living in a condition of extreme vulnerability within the Camping River settlement and not being provided with an alternative and adequate housing solution following the notification of Ordinance No. 122, appealed to the European Court of Human Rights supported by Associazione 21 luglio in order to adopt interim measures to stop an imminent risk of irreparable damage. **On July 26**, a day before the European Court of Human Rights, **the City of Rome evicted the settlement of Camping River and approximately 300 Roma people remained without an alternative and adequate housing solution.**

³⁸ Forced evictions mainly target Roma and Sinti living in informal settlements, but also inhabitants of “authorised camps” have reportedly been victims of forced evictions. See Associazione 21 luglio’s *Annual Reports*, <http://www.21luglio.org/21luglio/ricerca/>.

³⁹ UN Commission on Human Rights Resolution 1993/77, para 1. The Un commission on Human rights has recognized eviction constitute gross violations of a range of human rights, in particular the right to adequate housing.

⁴⁰ See Associazione 21 luglio’s *Annual Report 2017*, available on <http://www.21luglio.org/21luglio/wp-content/uploads/2018/06/rapporto-inglese-completo-web-giugno-interattivo.pdf>, and the upcoming *Annual Report 2018*.

⁴¹ Committee on Economic, Social and Cultural Rights, General Comment No. 7, 20 May 1997.

⁴² See as example, the forced eviction of 19 Roma people, of which 7 minors and three pregnant women, occurred on 6th February 2019 in city of Rome, see video *RomaToday*, Mauro Cifelli, 6 February 2019: <http://www.romatoday.it/cronaca/sgombero-baraccopoli-collatino-polemiche-della-casa.html>. In this video the President of the Fourth Municipality of Rome oversees the eviction operations. The informal slum on Via Collatina Vecchia was removed after the damaging of the shacks by local police days before the eviction; threats by local officers were made to the families. In the case the Roma did not want to move from the area, local officers told them that they would lose the custody of their children.

⁴³ See Associazione 21 luglio’s *Annual Report 2017*, available on <http://www.21luglio.org/21luglio/wp-content/uploads/2018/06/rapporto-inglese-completo-web-giugno-interattivo.pdf>, and the upcoming *Annual Report 2018*.

⁴⁴ Associazione 21 luglio reports that according to the testimonies of several Roma evicted people from informal slums in Rome it is possible to say that in 2018 and in 2019 several episodes of verbal threats were made.



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, thereby consolidating the vicious circle of poverty and exclusion. Minors and women continue to suffer the most obvious consequences of forced evictions, in particular in terms of impact on educational and schooling pathways and integration into the social and urban fabric. The discriminating and segregating housing conditions in which Roma children and women live and, in the absence of the procedural safeguards provided for by international law, the chain of vulnerability perpetrated and repeated through forced eviction operations, affect the schooling rates and overall the educational pathways⁴⁵.

In the few cases in which a housing alternative is offered as a result of a forced eviction of a Roma institutional or informal settlement, this results in being hosted in an emergency reception or in a temporary accommodation facility, non-including any long-term inclusive planning or path⁴⁶. Furthermore, as monitored by Associazione 21 luglio in several occasions as during the forced eviction of Camping River Roma settlement⁴⁷, 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.

2.3 Roma education

(2014 UPR Recommendations: 145.152, 145.153, 145.154, 145.155, 145.156)

The absence of a concrete disposition of alternative adequate housing solutions for those who live in institutional 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 Italy, 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 alternative accommodation results in inadequate implementation as well as an inadequate intervention of educational support for those who have prematurely abandoned compulsory schooling⁴⁸. Therefore, forced eviction operations as well as housing segregating conditions perpetrate the chain of vulnerability of those

⁴⁵ See the Report of the Committee on the Rights of the Child (CRC) on Italy, January 2019, https://italiarappaginevra.esteri.it/rappaginevra/resource/doc/2019/02/press_release.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=6QkG-1d%2fPPRiCAqhKb7yhsgA84bcFRy75ulvS2cmS%2f%2bggWNCu4%2flgn%2bZiHvEZQc5SEWgcHa%2f%2bgSomFFruJyt%2fajk-B5IO3%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.

⁴⁶ The institutional slum of via Lazzaretto, 50 in the Municipality of Gallarate, established in 2007, hosts about 70 Sinti in mobile housing units and caravans. Between 27 and 30 December 2018 the Gallarate settlement is evicted by public authorities. The Municipality of Gallarate does not propose any alternative stable accommodation for the approximately 20 families involved in the closure of the settlement. The Municipality prepares the setting up of two tent camps of the Italian Red Cross in via Madonna in Campagna and in via Pacinotti, designed to temporarily host the remaining families without housing. Following the refusal of almost all families to go to the tent camps - only a family unit decides to be housed within the tensostructure of via Pacinotti - the Municipality of Gallarate offers the possibility of reallocating them in a hotel located in the Municipality of Somma Lombardo. The 70 sinti, of which 38 minors and 6 elders, are temporarily resident in this structure starting from November 30 for a maximum of 30 days.

⁴⁷ See: <http://www.21luglio.org/21luglio/sgombero-river-pagina-buia-diritti-umani/>.

⁴⁸ See the Report of the Committee on the Rights of the Child (CRC) on Italy, January 2019, https://italiarappaginevra.esteri.it/rappaginevra/resource/doc/2019/02/press_release.pdf.



Roma that are already fragile and vulnerable, affecting especially the schooling rates of the minors and overall their educational pathways.

The actions taken by the Italian Government during 2018 do not involve specific and effective focus on Roma minors⁴⁹. 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 (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.

The segregating housing conditions in which Roma children live contribute significantly to the low levels of schooling⁵⁰. As an example, in many Municipalities throughout Italy a service of school accompaniment is provided by "special" buses reserved for Roma children in order to cope with the obstacle created by the physical distance of the "camps" from schools. Often it happens that the buses take the Roma children to their school late and pick them up well in advance, due to the distance of the settlements from the city centre or from the inhabited part of the town. This mono-ethnic public transport in several cities is also not provided in the first weeks of school, on days when there is a strike or in the case there is a reduced schedule. Furthermore, the mono-ethnic transport allows the identification of the child in a category subject to discrimination, not implementing inclusion and scholastic paths.

2.4 Institutionalisation of Roma Children (2014 UPR Recommendations: 145.69)

Researches documented a high over-representation of Roma children in the Italian child protection system. Roma minors constitute 10,4% of the minors living in institutional homes, while Roma and Sinti living in Italy account just for the 0,25% of the overall population⁵¹, and a Roma child could have up to 60 times the probability to be involved in the child protection system than a non-Roma⁵². In various meetings with social workers, public officials, judges and public prosecutors, Associazione 21 luglio often noticed a worrying diffusion of deep-rooted prejudices against Roma and Sinti parents, generally depicted as incapable to take care of their children⁵³. Poverty and sub-standard housing conditions are often attributed to the "Roma

⁴⁹ See the *Replies of Italy to the List of Issue* also in relation to the combined fifth and sixth period reports of Italy, CRC/C/ITA/Q/5-6, 3 July 2018.

⁵⁰ See "*Ultimo Banco*", April 2016, Associazione 21 luglio: http://www.21luglio.org/21luglio/wp-content/uploads/2017/08/ULTIMO-BANCO_versioneweb.compressed.pdf . See also Associazione 21 luglio's *Annual Report 2017* and the upcoming *Annual Report 2018*.

⁵¹ Osservazione, The protection of the rights of Roma children in the Italian child protection system, 2012, p. 19, the research focused on the cities of Bari, Bolzano, Milan, Naples and Rome.

⁵² Associazione 21 luglio, *My mother was a Roma*, October 2013; Carlotta Saletti Salza, *From protection to genocide?*, CISU 2010.

⁵³ Associazione 21 luglio, *My mother was Roma*, October 2013. During the interviews carried out by Associazione 21 luglio with social workers, public officials, judges and public prosecutors, in referring to Roma and Sinti they were often adopting a "us – them" dichotomy and stereotyped perspectives. Roma and Sinti parents are often indiscriminately depicted as criminals who force their children to beg, as incapable of parenting because of a supposed inclination to illegal activities and as directly responsible for the conditions of deprivation and precariousness as these are intended as a consequence of their own choice of lifestyle. See also Associazione 21 luglio's commemoration on the International Day for the Rights of Children and Adolescents on the 20th November 2017 and 2018: <http://www.21luglio.org/21luglio/giornata-infanzia-2017/> and <http://www.21luglio.org/21luglio/giornata-per-i-diritti-dellinfanzia-associazione-21-luglio-una-celebrazione-dimenticata-dalle-istituzioni/>.



culture⁵⁴ and not to the material deprivation and social marginalization objectively faced by the families. The institutionalization of children should strictly abide by the international human rights standards such as the CRC, and should be adopted only as a measure of last resort when deemed necessary for the best interest of the child⁵⁵. According to relevant jurisprudence of the European Court of Human Rights the removal of a children from his family must not be based exclusively on a family's status of destitution⁵⁶, while in adopting such measure the State has an obligation to take into consideration the particular vulnerabilities of the family⁵⁷. In light of the risk of human rights violations envisaged within *Contract for the Government of Change*⁵⁸, the removal of minors from the family or the loss of parental responsibility may be also implemented by public authorities in the future years, affecting those Roma and Sinti families that live in housing emergency conditions.

2.5 Anti-gypsyism: hate speech and violent attacks (2014 UPR Recommendations: 145.81)

Anti-gypsyism remains one of the distinguishing features of Italian society that in alternate periods, sees its intensity increase or decrease. Anti-gypsyism is a specific form of racism⁵⁹ and a powerful obstacle in preventing Roma and Sinti inclusion⁶⁰. There is direct connection between the discriminatory and segregative public policies and "hate speech" addressed to the Roma communities; this can be noticed in particular during the election campaign periods, when these phenomena surge both in terms of numbers and intensity. In areas where formal and informal settlements exist and inclusive policies are inexistent or weak, where exchanges and relations are suffocated by spatial isolation, it is certainly easier to detect words that unmask an attitude of intolerance and open hostility. After all, a "downward spiral" has been

⁵⁴ By way of example and not exhaustive, see *Il Giornale di Vicenza*, "Roulotte a fuoco «Togliere i figli alla famiglia rom»", Elia Cucovaz, 30 November 2016: <http://www.ilgiornaledivicenza.it/territori/schio/roulotte-a-fuoco-togliere-i-figli-alla-famiglia-rom-1.5318554>; *Il Giornale.it*, "«Leviamo i figli alle rom che rubano»", Fabrizio Boschi, 15 April 2017: <http://www.ilgiornale.it/news/politica/leviamo-i-figli-rom-che-rubano-1386263.html>; *L'Arena*, "Tosi: «Togliere i figli alle nomadi che rubano»", 14 April 2017: <http://www.larena.it/territori/citt%C3%A0/tosi-togliere-i-figli-alle-nomadi-che-rubano-1.5632617>; *La Nuova di Venezia e Mestre*, "Donazzan: «I bambini rom vanno tolti ai genitori»", Vera Mantengoli, 8 December 2017, <https://nuovavenezia.gelocal.it/veneziana/cronaca/2017/12/08/news/donazzan-i-bambini-rom-vanno-tolti-ai-genitori-1.16213390>.

⁵⁵ Convention on the Rights of the Child, Article 9.

⁵⁶ European Court of Human Rights, *Wallowa and Walla v. Czech Republic*, Application no. 23848/04, Decision on the Merits of 23 October 2006; European Court of Human Rights, *Zhou v. Italy*, Application no. 33773/11, Decision on the Merits of 21 January 2014; European Court of Human Rights, *Barnea et Caldaru c. Italy*, Decision on the Merits of 22 June 2017.

⁵⁷ European Court of Human Rights, *R.M.S. v. Spain*, Application no. 28775/12, Decision on the Merits of 18 June 2013.

⁵⁸ See on its merits the *Contratto di Governo*, *Corriere della Sera*, at page 5 of the present report.

⁵⁹ ECRI, General Policy Recommendation no. 13: On Combating Anti-Gypsyism and Discrimination Against Roma, June 2011.

⁶⁰ In September 2018 the Office of the UN High Commissioner for Human Rights, at the opening of the 39th session of the UN Human Rights Council expressed concern about the increase in acts of violence and racism against migrants, people of African descent and Roma. See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23518&LangID=E>; In October 2018 the European Commission against Racism and Intolerance (ECRI) of the Council of Europe expressed in its General Recommendations concern for the repeated phenomenon of antigitanism in Europe and recommended to the National Authorities to prepare all the necessary instruments in order to avoid the practice of forced evictions of the Roma settlements and, in case of eviction, to guarantee them an adequate alternative accommodation for all those who turn out to be the object of eviction. See: <https://rm.coe.int/ecri-general-policy-recommendation-nos-3-13-key-topics-fighting-racism/16808b763c>; In November 2018, the Commission on Civil Liberties, Justice and Home Affairs of the European Parliament in its Resolution on Minimum Standards for Minorities in the EU, expressed deep concern about the persistent incidents of discrimination and hate speech towards of the numerous Roma communities residing in Europe. See: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0447+0+DOC+XML+V0//IT>.



reported since years. This is because where numerous formal settlements exist and forced evictions occur, a greater level of antigypsyism develops proportionately, which in turn raises the pressure on local administrators who feel so legitimated in persevering in policies with security approaches, characterized by eviction actions and the construction of mono-ethnic settlements⁶¹.

The data collected by Associazione 21 luglio, through the National Observatory on Hate Speech against Roma⁶², confirm that hate speech targeting Roma is a deep-rooted and endemic phenomenon in Italy still today, mainly fueled by the political discourse at local level⁶³. 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.

Cases of hate speech adopting explicit and racist rhetoric may fall within the provisions set forth by Italian Law, 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. In fact, 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 kind⁶⁴.

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^{65 66}.

⁶¹ The “Via del Riposo” settlement in Naples, opened in April 2017, and the “camp” in Afragola, Naples, are the last “authorized camps” built *ex-novo* by the Italian authorities. See Associazione 21 luglio’s *Annual Report 2017* and the upcoming *Annual Report 2018*.

⁶² 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/21luglio/osservatorio/>.

⁶³ In nearly six years of activity (2013 – 31 December 2018), the Observatory recorded a total of 1.603 hate speech episodes against Roma and Sinti, 889 of whom deemed of particular gravity. 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; 2017 – 182 episodes, of which 57 categorized as grave; 2018 – 125 episodes, of which 38 categorized as grave.

⁶⁴ 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.

⁶⁵ See Associazione 21 luglio’s submissions 2013-2017 to OSCE-ODIHR regarding violent attacks and hate crimes: OSCE *Hate Crime Reporting, Bias against Roma and Sinti*, selecting years 2013-2017, <http://hatecrime.osce.org/italy?year=2017>.

⁶⁶ Also in 2018, as in previous years, there were a number of violent incidents in Italy that targeted Roma and Sinti. In most cases, investigations to identify those responsible are still ongoing and. In 2018, among other episodes, violent episodes towards Roma people were concentrated in the city of Rome: a) 2 March 2018, Rome (RM) - Two incendiary bottles are thrown at an informal Roma settlement located along Lungotevere San Paolo near the Tiber River. The twenty Romanian Roma people who live in a dozen shanties appear to be unharmed, however the perpetrators of the intimidatory gesture are still unknown, as are the investigations aimed at establishing the methods and motivations of the incendiary action. See Mauro Cifelli, *RomaToday*, “Lungotevere San Paolo: molotov contro insediamento abusivo di nomadi”, 3 March 2018:



An example of a grave violent attack episode that recently occurred is the one happened against an 11-year-old Roma boy within the metro station perimeter in the City of Rome.

On 21 February 2019, a man attacked a Roma boy with a cutter at Termini metro station, because as he said «*I want to kill the gypsies because they broke my *****». This is the motivation behind an attack of a Roma, wounded by a 29-year-old Italian man at the Termini station. It must be stressed out that the Roma boy had not stolen any personal object or money to the man nor was tempting to. Two Italtel private guards intervened while the man was inveighing against the Roma kid at the station. Approaching the scene, the two vigilantes asked to the Italian man for explanations, in response he verbally attacked them, continuing to scream at the boy «*You are always here in order to steal, you gypsies we are going to kill you*», «*This thief just screwed me seventy euros*». The two security guards decided to take the 11-year-old Roma boy and the Italian man to the station box to identify them and alert the police, although the assumed stolen money was not found due to the fact that the Roma boy did not steal any sum or object. Approaching the station box, the man that was shouting against the Roma boy suddenly took up a cutter and launched it from behind against the nape of the Roma minor wounding him⁶⁷. The man was charged for the assaulting.

3. Recommendations for action by the State under review

In light of the concerns highlighted in this submission, Associazione 21 luglio calls on the Italian government to:

- Structural reform of UNAR in order to establish an independent body of control of human rights at a national level by the government and to provide stability to the UNAR governance by reinforcing the mandate of UNAR and providing it with effective sanctionary powers;

<http://www.romatoday.it/cronaca/molotov-insediamento-abusivo-lungotevere-san-paolo.html>; b) 10 May 2018, Rome (RM) – A Romanian citizen of Roma origins is insulted, kicked and punched on the tram on which he was traveling near Trastevere station in Rome. The 27-year-old was playing “Bella ciao” on his accordion when he was assaulted by 3 people, an Italian and two foreigners, in front of his wife and his daughter. The assault forced the young man to leave the tram and caused physical damage to his person and to his musical instrument. It does not appear that a complaint has been filed, however investigations for the identification of the three authors of the attack are ongoing. See Barbara Polidori, *La Repubblica*, “Suona Bella Ciao sul tram, in tre lo pestano a sangue”, 13 May 2018:

https://rep.repubblica.it/pwa/locali/2018/05/13/news/suona_bella_ciao_sul_tram_in_tre_lo_pestano_a_sangue-196277141/; c)

17 July 2018, Rome (RM) - On Via Palmiro Togliatti, a 13-month-old Roma child is hit in her back by a pellet fired from a compressed air gun. The child’s mother was carrying her daughter in the suburban street of Rome when she noticed that the infant was losing blood from between her back and her shoulder. Following examination at the hospital, the infant is stationary, not in danger of life although she is at risk of paralysis as the shot she received is very close to her spine. Constantly monitored by the doctors from the Bambin Gesù Pediatric Hospital, the child, following surgery to extract the metal object from her back, has been discharged on 27 September 2018 without any complications. The investigations led to the identification of the author of the gesture, an Italian citizen, former employee of the Senate of the Republic. Following the search of his house and the ballistic reports, it appears that the shot came from the balcony of his house. During the search, the investigators found the compressed air rifle in question. The man, investigated for grave injuries, currently is not being challenged for the aggravating circumstance of racial hatred. See Cronaca, *Il Messaggero*, “Grave bimba rom ferita da un piombino, giallo a Roma. Il Pd: «Clima di odio non aiuta»”, 18 luglio 2018: https://www.ilmessaggero.it/roma/cronaca/roma_campi_rom_bambina_ferita_via_salone-3863080.html.

⁶⁷ See *RomaToday*, Mauro Cifelli, “Roma, bimbo di 11 anni aggredito a Termini con un taglierino”, 22 February 2019: <http://www.romatoday.it/cronaca/bambino-rom-aggredito-taglierino-metro-.html?fbclid=IwAR16MYiqb2jEnPRhxPorodz9BaPOTi5ciFRMLqvxZvQlg0357ApubxXgdZ0>.



- Urgently take all the necessary steps to end the segregation of Roma and Sinti families in “authorised camps” with sub-standard housing conditions, ensuring Roma and Sinti are provided with adequate housing in absence of discrimination;
- Immediately cease forced evictions affecting Roma and Sinti throughout Italy, also by adopting a clear prohibition on forced evictions by means of law which explicitly set out the essential procedural protections arising from international human rights law;
- Take all the necessary steps in order to ensure the implementation of concrete programs against scholastic drop-out, promoting inclusive and non-discriminatory policies;
- Take adequate steps to ensure that the actors involved in the child protection system (social workers, public officials, judges and public prosecutors) are free from prejudices against Roma, and that their action falls in line with the international standards;
- Ensure that the removal of Roma children from their families is adopted only as a measure of last resort, and only after all other possible alternatives allowing a healthy and balanced development of the child within his family have been explored;
- Ratify the Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (CETS n.189), adopting the necessary measures for its incorporation into domestic law;
- Adequate the existing legal framework concerning incitement to discrimination and to racial hatred assuring it falls in line with CERD General Recommendation No. 35 in order to combat anti-gypsyism;