



EUROPEAN ROMA RIGHTS CENTER

1386 Budapest 62, P.O. Box 906/93, Hungary
Phone: (36-1) 413-2200; Fax: (36-1) 413-2201

E-mail: office@errc.org
<http://errc.org>

**WRITTEN COMMENTS OF THE EUROPEAN ROMA RIGHTS CENTER
CONCERNING ITALY
FOR CONSIDERATION BY
THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD
AT ITS 32ND SESSION, JANUARY 13-31ST, 2003**

EXECUTIVE SUMMARY

The *European Roma Rights Center* (“the *ERRC*”) respectfully submits written comments concerning Italy for consideration by the United Nations Committee on the Rights of the Child (“the Committee”) at its 32nd session, January 13-31st, 2003.

The *ERRC* is aware of measures taken by the Government of Italy (“the Government”) as they are described in the report submitted by the Government to the Committee under Article 44 of the Convention of the Rights of the Child (“the Convention”).¹ To date, however, these measures have not been sufficient to ensure the effective implementation of the Convention, particularly with regard to Articles 2, 3, 6, 9, 12, 27, 28, 29 and 37.

As to Article 2 of the Convention, the *ERRC* is concerned that Romani children and their families are subject to discrimination in all aspects of their life—from their interaction with law-enforcement officials and the protection of the family unit to education and housing. Italy’s domestic legislation with respect to racial and ethnic discrimination is not adequately enforced where Romani children are concerned.

As to Article 3 of the Convention, the *ERRC* has documented a number of cases in which Italian authorities have taken action against Romani children and families in flagrant violation of the principle of the best interests of the child. Areas of particular concern in this respect include the treatment of alien Romani families on Italian territory and the discriminatory targeting of Romani children by Italian authorities for removal from parental care. Italian authorities have repeatedly failed to take into consideration the best interests of the child in the course of deportation procedures, while remanding Romani children into state or alternate care, or during law-enforcement actions carried out in the presence of children.

As to Article 6 of the Convention, the Government has failed to ensure to the maximum extent possible the survival and development of Romani children. In particular, Italian authorities have engaged in discriminatory practices of segregating Romani families into a system of camps with inadequate infrastructure and no security of tenure. Moreover, the access of Romani children to education is severely impeded by residential segregation, repeated forced displacements, and by the discriminatory attitudes of school authorities and personnel.

¹ *Periodic Reports of State Parties Due in 1998: Italy*, CRC/C/70/Add.13, from 12 July 2002 (hereinafter “the report”).

As to Article 9, the *ERRC* is particularly alarmed at a pattern of targeting Romani children for discriminatory removal from their families. Removals are often justified by Italian domestic legal provisions on the mistreatment of minors—frequently after Romani parents are detained while allegedly begging with children—and therefore are often supported with arguments derived from the children's rights discourse. Subsequent to being removed from their families, Romani children are placed into state care or put up for adoption, generally by non-Romani parents. The pattern of forced removal of Romani children from their families in Italy is entirely at odds with the principles and provisions of the Convention, insofar as no other ethnic group in Italy is specifically targeted for such actions.

As to Article 12, the *ERRC* is concerned about the fact that the views of Romani children and their families are often not taken into consideration by Italian authorities deciding upon the placement of children in state or alternative care.

As to Article 27, the *ERRC* is concerned about the systemic physical segregation of Romani families into a system of authorized and unauthorized camps. Roma living in camps lack basic security of tenure and often fall victim to forced evictions. Evictions are often followed by the destruction of entire camps, with no alternate housing being provided by the authorities. Moreover, living conditions in these camps are inadequate to the extreme, with no basic infrastructure or services available to their occupants.

As to Articles 28 and 29 of the Convention, the *ERRC* is concerned that Romani children in Italy do not enjoy equal access to education. Many Romani children who live in segregated housing facilities in camps effectively have no access to the Italian school system. Frequent evictions and displacements also preclude Romani children from attending schools with any regularity. Many Romani families are too poor to afford decent clothes, school supplies and the transportation necessary to ensure regular school attendance by their children, and the few supplies Romani children have are often destroyed during police raids. When they do attend school, Romani children suffer abuse and discrimination in Italian schools. As a result, many Romani children do not attend school at all, or drop out at an early age.

As to Article 37, the *ERRC* is concerned that Romani children are often subjected to torture, inhuman, or degrading treatment by Italian law-enforcement officials. *ERRC* research indicates that Italian authorities physically abuse Romani children and their families, engage in abusive raids of Romani camps using excessive force, and are much more likely to make use of firearms against Romani minors and their families than against non-Roma. When such cases occur, they are rarely investigated adequately, and even more rarely prosecuted by authorities.

I. EXPERTISE AND INTEREST OF THE *ERRC*

The *ERRC* is an international public interest law organisation which monitors the human rights situation of Roma in Europe and provides legal defence in cases of abuse. Since its establishment in 1996, the *ERRC* has undertaken first-hand research in some twenty countries, including Italy, and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. An *ERRC* monitor presently stationed in Italy reports regularly on human rights developments concerning Roma. *ERRC* publications about Italy — including a book-length report on the human rights situation of Roma in Italy — and other countries, as well as additional information about the *ERRC*, are available on the Internet at <http://www.errc.org>.

The *ERRC* believes that the upcoming session of the Committee offers an opportunity to highlight some of the most significant respects in which the Government has failed to fulfil its commitments under the Convention.

II. BACKGROUND

There are no accurate figures on the current number of Roma in Italy. Official figures put the Romani population in Italy somewhere between 110,000 - 130,000 persons; approximately two-thirds of these are Italian citizens.² In recent years, violence and discrimination against Roma in Italy has increased significantly. This trend should be considered against the larger backdrop of a rise in xenophobia and in negative attitudes towards immigrants and so-called *extracomunitari* (an common label for non-European Union citizens and immigrants from non-Western countries), fuelled partly by the encouragement of right-wing political groups. The number of racist and xenophobic pronouncements by local politicians and right-wing organizations has risen dramatically. To give just one of the most recent examples, mayor Giancarlo Gentilini of Treviso, in northern Italy, publicized on November 29, 2002, an open letter to the national government calling Roma and immigrants “criminals and good-for-nothings” and pressing for “abolishing all norms proposed to assist these delinquents.”³ Similarly, in one of a series of xenophobic campaigns launched by right-wing organisations over the past year, Italian media reported that in November 2002 hundreds of cars parked in the Sardinian city of Oristano had received on their windshields printed fliers from unknown persons entitled “The Hunters' Calendar”, announcing the opening of a “365-day hunting season for various wild migrating species: Albanians, Kosovars, Talibans, Afghanis, Gypsies and *extracomunitari* in general.”⁴ International monitoring bodies have repeatedly expressed their concern at the increase in racist and xenophobic violence in Italy in recent years, and have noted the apparent passivity of the Italian state authorities in remedying this state of affairs.⁵

Roma are excluded from Italian society both at the level of discourse and in practice. State authorities often treat Roma as a transient alien population that should be dealt with separately from the rest of the population.⁶ Government offices addressing issues relating to Roma are called “Offices for Nomad Affairs” or offices for “Nomads and Non-Europeans”, and often fall under the competence of the Department of Immigration. Underpinning the Italian Government’s approach to Roma is the conviction that Roma are “nomads”. For example, an Italian delegate told the United Nations Committee on the Elimination of Racial Discrimination in Geneva in March 1999 that Roma, as natural nomads, “preferred to stay in their camps”⁷

This approach has led to the promotion of a parallel system of housing arrangements for Roma in authorized and unauthorized camps that effectively segregates Roma from wider society in Italy, condemns them to squalid living conditions, and perpetuates the idea that Roma are not Italian and cannot become Italian. The camps, which vary in size from a dozen people to as many as fifteen hundred persons, are usually divided up into sections organized by the country of origin of their inhabitants. As such, Romani camps in Italy function as ghettos in which large groups of Roma are forced to live, with no housing alternative and no security of tenure, subjected to frequent abusive police raids, forced evictions, and displacements. Roma live in camps in squalid conditions, with limited access to services

² See Geraci, Salvatore, Bianca Maisano and Fulvia Motta, *Salute Zingara*, Rome: Anterem, 1998, p.25. Also European Commission Against Racism and Intolerance, *Second Report on Italy*, Strasbourg, 22 June 2001, section 59.

³ Article published in the *Tribuna di Treviso* daily on November 29, 2002.

⁴ Article published in the Sardinian daily *La Nuova* on November 22, 2002.

⁵ See, for instance Committee for the Elimination of Racial Discrimination, *Concluding Observations: Italy*, CERD/C/304/Add.68, 7 April 1999; Human Rights Committee, *Concluding Observations: Italy*, CCPR/C/79/Add.94, 18 August 1998; European Commission Against Racism and Intolerance, *Second Report on Italy*, Strasbourg, 22 June 2001.

⁶ Roma are also often explicitly excluded from debates on minorities issues in Italy. For instance, in July 1999, the Italian Parliament deleted a specific reference to Roma from a bill aimed at protecting linguistic minorities.

⁷ Mr Luigi Citarella, Head of the Italian Delegation to the 54th Session of the Committee on the Elimination of Racial Discrimination, March 9, 1999, Geneva.

such as drinkable water, adequate sewage, or garbage removal. Romani children living in camps are often unable access the necessary transportation to attend mainstream Italian schools; when they do try to integrate into mainstream schools, Romani children are denied registration on bureaucratic or simply racist grounds, and are exposed to abuse and discrimination from school staff and their non-Romani peers. Romani families caught in a vicious circle of unemployment, inadequate housing, and unequal access to education often find themselves discriminatorily targeted by authorities who invasively remove children from parental care on grounds that children taken along to beg with their parents are “exploited” or that children living in inadequate conditions in camps are in effect “abandoned” by their parents.

III. General Discussion

The report submitted to the Committee by the Italian Government fails to present an accurate picture of the implementation of the Convention where Roma are concerned. Since the previous review of Italy’s compliance with the Convention in 1995, the Italian Government has failed to improve the human rights situation of Romani children, notwithstanding the Committee’s expressed concerns about the issue. In its 1995 *Concluding Observations* concerning Italy, the Committee noted that “sufficient measures had not been taken to assess and provide for the needs of children from vulnerable and disadvantaged groups, such as [...] children of foreign and Roma origin.”⁸ The Committee recommended that “[f]urther measures should [...] be taken to prevent a rise in discriminatory attitudes and prejudices towards particularly vulnerable children such as [...] Roma children and foreign children. The Government should consider adopting a more active stand and coherent policy with respect to the treatment of these children and to create an environment favourable to their fullest integration into Italian society.”⁹

Despite the repeated and explicit requests of the Committee,¹⁰ the general data presented by the Government in its report is rarely broken down by ethnicity. In the rare instances when disaggregated data by ethnicity appears in the report, such as in the section on education in the mother tongue of national minorities, Roma are conspicuously absent from the Government’s overview.

The few passing mentions of Roma in the report are alarming in their unabashed use of racist stereotypes. The following paragraph from the report provides a striking example:

333. The phenomenon of the use of children in begging is unfortunately still present in Italy, if now only involving the gypsy minority. The act is criminally sanctioned (article 671 of the Criminal Code punishes with imprisonment from three months to one year whosoever uses or allows, for the purposes of begging, a person under 14 years to beg). The criminal sanction has not eradicated the phenomenon because the practice of begging using children is strongly based in the culture of this minority.

This is a clear instance of racial stereotyping in an official document. The Government refers to begging as “strongly based in the culture of this minority” rather than the result of discrimination and marginalisation. In addition, the Government report mentions the “strong attachment of the gypsy child to his or her family” as if this attachment was different for Romani children than for any other children; this demonstrates that the Government views Roma as fundamentally alien to the wider Italian culture. Moreover, the Government’s use of the derogatory term “gypsy” in lower case lettering indicates that the term is used more as an epithet than as a descriptor of an ethnic minority in its own right.

It is the contention of the *ERRC* that the Government’s report obscures on-going violations of the human rights of Romani children and their families, despite evidence of the existence of wide-ranging

⁸ United Nations Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Italy*, CRC/C/15/Add.41, 27 November, 1995, section 11.

⁹ *Ibid.*, section 17.

¹⁰ See United Nations Committee on the Rights of the Child, Pre-Sessional Working Group, *List of Issues: Italy*, CRC/C/Q/ITA/2, October 11, 2002.

discriminatory and segregationist practices aimed at marginalising and even literally excluding Roma from Italian society. An article-by-article discussion of the implementation of the Convention where Romani children are concerned follows below.

IV. IMPLEMENTATION OF GENERAL PRINCIPLES

Discrimination Against Romani Children

As to Article 2 of the Convention, the *ERRC* is concerned that Romani children and their families are subject to discrimination in all aspects of their life. Italy's domestic legislation with respect to racial and ethnic discrimination is not adequately enforced where Romani children are concerned. Despite the pervasive nature of anti-Romani sentiment in Italy, the Government report has provided the Committee with no factual information concerning the extent of racial discrimination against Romani children, and makes no reference to concrete measures authorities have taken to combat racial discrimination against Romani children.

Legislation aimed at combating discrimination based on racial or ethnic origin was introduced in Italy in 1998, in the context of a legal framework regulating immigration. Act 286 of 1998 (hereinafter "the 1998 Act") includes in Article 43 a detailed definition of the types of discrimination considered unlawful under Italian law; the definition includes "behaviour which directly or indirectly causes differentiation, exclusion, restriction or preference based on race, colour, ancestry, national or ethnic origin, religious belief or practice, having the aim or effect of destroying or hindering the recognition or exercise—under equal conditions — of fundamental human rights in the political, economic, social and cultural fields, as well as in any other public sector," and sanctions both state and non-state actors who engage in direct or indirect discrimination. Even though the 1998 Act deals primarily with "foreign citizens", the authors of the 1998 Act included in the text the stipulation that the anti-discrimination provisions apply equally to Italian nationals, who enjoy the same protection of the law. Important elements of European anti-discrimination standards¹¹ (such as the concept of harassment or the reversal of the burden of proof in *prima facie* discrimination cases) are still missing from Italian legislation, but overall the 1998 Act establishes a ban on unequal treatment of members of ethnic minorities.¹²

The intention of the drafters of the 1998 Act was apparently to allow for swift and effective judicial remedies for cases of discrimination — as evidenced by provisions allowing for filing cases without legal counsel at the victim's place of residence, for extended investigative powers for courts reviewing discrimination cases, as well as for awarding damages to plaintiffs, including the recovery of non-pecuniary losses suffered. But there is little public awareness of the 1998 Act, and the provisions of the 1998 Act are relatively unknown even among lawyers and other members of the Italian legal community. Despite explicit provisions under Article 41 of the 1998 Act, which call for state authorities to ensure proper anti-discrimination training for public officials and to disseminate information aimed at combating discrimination and introducing the protection afforded by law to victims of discrimination, the Italian Government has done little to ensure proper implementation and use of the act by potential victims, courts, or other law-enforcement authorities. Finally, even though the 1998 Act foresees the establishment

¹¹ Standards on anti-discrimination law in Europe are currently set primarily by the European Council of the European Union Directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" (hereinafter "the Directive"). The Council has set a deadline of July 19, 2003, for European Union member states to amend domestic laws to bring them into conformity with the Directive. The Directive is a component of the *acquis communautaire* – the body of law governing the European Union – and the incorporation of the provisions of the Directive is therefore binding on Italy as a member state of the European Union.

¹² For a full analysis of Italy's anti-discrimination legislation, see European Union Monitoring Center, *Anti-Discrimination Legislation in EU Member States: Italy*, report prepared by Alessandro Simoni and Guido Boni, edited by Jan Niessen and Isabelle Chopin, Vienna, 2002.

of regional and national observatories monitoring all forms of discrimination, racism and xenophobia, no such observatories appear to be functioning in practice as of January 2003.

In the absence of proper public awareness and training of state officials on discrimination issues, Romani children and their families suffer widespread discrimination in virtually all spheres of public life—from their interaction with law-enforcement officials and the protection of the family unit to education and housing.

Violations of the Principle of the Best Interests of the Child

As regards Article 3 of the Convention, the *ERRC* has documented a number of cases in which Italian authorities have taken action against Romani children and families in flagrant violation of the principle of the best interests of the child. Areas of particular concern in this respect include the treatment of alien Romani families on Italian territory and the discriminatory targeting of Romani children by Italian authorities for removal from parental care. Italian authorities have repeatedly failed to take into consideration the best interests of the child in the course of deportation procedures, while remanding of Romani children into state or alternate care, or during law-enforcement actions carried out in the presence of children.

Additionally, the authorities' failure to secure adequate housing conditions, including basic infrastructure such as sanitation and sewage, reflects a fundamental disregard for the best interests of the child where Romani families and children are concerned.

Specific cases illustrating the violation of the principle of the best interests of the child are discussed under Sections V (Civil Rights and Freedoms), VI (Family Environment and Alternative Care), VII (Basic Health and Welfare), and VIII (Education) of this submission.

Obstacles to the Development of Romani Children

As to Article 6 of the Convention, the Government has failed to ensure to the maximum extent possible the survival and development of Romani children. In particular, Italian authorities have engaged in discriminatory practices of segregating Romani families into a system of camps with inadequate infrastructure and no security of tenure. Moreover, the access of Romani children to education is severely impeded by both residential segregation and by the discriminatory attitudes of school authorities and personnel. Specific cases illustrating violations of Article 6 are discussed under Sections VII and VIII of this submission.

Disregard for the Views of the Child

As regards to Article 12, the *ERRC* is concerned about the fact that the views of Romani children and their families are often not taken into consideration by Italian authorities deciding upon the placement of children in state or alternative care. Specific cases illustrating violations of this principle of the Conventions are discussed under Section VI of this submission.

V. CIVIL RIGHTS AND FREEDOMS

As to Article 37 (a), the *ERRC* is concerned that Romani children are often subjected to torture, inhuman, or degrading treatment by Italian law-enforcement officials. *ERRC* research indicates that Italian authorities physically abuse and harass Romani children and their families, engage in abusive raids of Romani camps characterised by excessive force, and are much more likely to make use of firearms against Romani minors and their families than against non-Roma. Finally, Romani families are subject to illegal and abusive collective expulsions from Italy. When such cases occur, they are rarely investigated adequately, and even more rarely prosecuted by authorities. The *ERRC* has identified the following patterns of police abuse against Romani children and their families:

Torture, Inhuman or Degrading Treatment

The *ERRC* has documented a number of instances in which Romani children were subjected to torture, physical abuse, inhuman or degrading treatment and harassment by law-enforcement officials. Italian law-enforcement authorities also often abuse Romani adults in the presence of their children, inflicting emotional harm upon them. The following cases are illustrative and do not purport to constitute a comprehensive survey:

- Mr Daniel Gazi, a Romani man originally from Macedonia, told the *ERRC* that in the morning of June 9, 2001, his son, 14-year-old Adamo Gazi, had been beaten by two plainclothes *carabinieri*.¹³ The young man was reportedly picked up in Piazza Indipendenza in Rome for carrying a plastic toy pistol; according to the boy, the *carabinieri* told him that he looked “suspicious” and that they thought he was “probably off to a robbery”. When his father visited him in the juvenile detention centre where the *carabinieri* had taken him, Adamo Gazi had his mouth covered in blood and a swollen eye. Adamo Gazi told the *ERRC*: “They slapped me with open hands and pushed me until I fell [...] They harassed me physically and verbally until around 7 PM.” On June 11, Adamo Gazi was released; at the hearing preceding his release, his father informed the court that he wanted to press charges for the beating. However, after his caseworker from the Italian Committee for Refugees advised him not to go against local authorities, Mr Gazi withdrew his complaint against the officers.¹⁴
- In the Borgosattolo camp at Brescia, the *ERRC* documented an extreme instance of police abuse against Romani youths, including a minor, in detention. On November 7, 1998, at around 12:15 PM, 17-year-old F.S. was beaten by police officers in a Brescia police station along with two adults, Mr H.M. (age 22) and Mr N.F. (age 20). The three youths were detained in connection with an attempted theft and taken to the local police station. According to victim testimony, at the station two police officers took turns beating the three youths, in the presence of other four officers. One of the officers slapped, punched, and kicked F.S., and then took him by the hair and hit his head against the wall. When F.S. fell to the ground, another police officer threatened to set his hair on fire. The officers stopped only when F.S. told them that he had a heart condition. During the beating, the abusive officer reportedly insulted the ethnic origins of the three men, calling them “Gypsy bastards” and “cretins”.¹⁵ Only after the beating did officers allow the youths to contact an attorney. In detention following the beating, all three youths were examined by doctors; one of the victims told the doctor that he had been beaten. The attorneys of the three youths counselled their clients not to lodge any complaints. A lawyer subsequently asked by the *ERRC* and a local human rights group to try to find a record of the beating did not succeed in procuring any official documentation of the abuse.
- Sixty-year-old Mr I.D. told the *ERRC* that at the end of November 1998, his 17-year-old nephew F.D. had been arrested and brought by police to the Coltano camp on the outskirts of Pisa, where he lived. There he was seen by Mr I.D., his wife, and also by other camp inmates. His face bore

¹³ *Carabinieri* are police officials under the competence of the Ministry of Defence. The following categories of police exist in Italy: *Carabinieri* – Military police who answer to the Ministry of Defence, responsible especially for criminal offences; *Guardia di Finanza* (Finance Police) – Military police who answer to the Ministry of Finance responsible for criminal financial activities, such as drug running or tax evasion; *Polizia di Stato* (State Police) – a civil force which answers to the Ministry of the Interior, responsible for criminal activity and anti-state crimes; and *Polizia Municipale* (Municipal Police) – city-run law-enforcement, mostly responsible for traffic offences but often also actively engaging in document checks.

¹⁴ Case summary based on *European Roma Rights Center* interview with Mr Daniel Gazi, June 12, 2001, Rome; and *European Roma Rights Center* interview with Adamo Gazi, June 12, 2001, Rome.

¹⁵ Case summary based on *European Roma Rights Center* interview with Mr H.M., January 28, 1999, Brescia; *European Roma Rights Center* interview with Mr N.F., January 28, 1999, Brescia; *European Roma Rights Center* interview with F.S., January 28, 1999, Brescia.

traces of a severe beating, including extremely swollen eyes. Later he was charged with stealing a car.¹⁶

Young Roma are also subjected to degrading treatment and harassment by law-enforcement officials:

- For instance, 17-year-old U.A. told the *ERRC* of an incident in September 2002 when he and other three Romani youths, ages 16, 18, and 19, were taken to a police station in the centre of Rome, where they were slapped, insulted, and then given punitive haircuts. U.A. told the *ERRC*: “They hit us with open fists—slapped us. Thankfully they didn’t use the clubs. They insulted us, always using the word Gypsy or Nomad, but also dog, animal, beast.” One officer “grabbed the scissors, grabbed me by the neck and made me sit down. He chopped at my hair and left bald spots. They did the same to all of us.” The three youths were released without charges the same day.¹⁷
- Similarly, 14-year old S.H., a Romani girl living in Rome, told the *ERRC* in 2001 that she had frequently been picked up by law-enforcement officials, detained and harassed in police stations, and released without charges. She told the *ERRC* that police officers often sexually harass her, and conduct humiliating questioning sessions grounded in racial stereotypes and prejudices against Roma. S.H. said: “One time I was picked up and the police asked me if I wasn’t a grown up woman. They said that they knew that Romani girls married early and they asked me if I was married. Then they asked me if I had ever had sex before[...]. They were strange and they scared me.”¹⁸ S.H. also told the *ERRC* that she is often body-searched by male officers without the presence of female officers.

Finally, law-enforcement officials often physically abuse Romani adults in the presence of their children, and sometimes use the abusive removal of children as punitive action against their Romani parents:

- For instance, at around 9:00 AM on September 26, 2002, Ms Herminia Nistor Degeratu, a 24-year-old Romani woman, was abused by a female police officer at a police station on Via Genoa in Rome, after she and her 3-year-old son Andrea were picked up at Rome’s San Pietro Train Station. Ms Degeratu testified to the *ERRC* that she and Andrea were detained while waiting for a train without having a ticket or identity documents with them. After being held for a couple of hours in the train station, Ms Degeratu and Andrea were taken by the female officer and another male officer to the police station on Via Genoa. While in the elevator of the police station, the female officer repeatedly slapped Ms Degeratu in the face, in the presence of her son. After being photographed and fingerprinted, Ms Degeratu was sent back to the San Pietro Police Station at around 1:00 PM. Only then was Ms Degeratu allowed to contact her husband in order to find an attorney. Ms Degeratu and her son Andrea were finally released at around 6:30 PM. Ms Degeratu told the *ERRC* that Andrea had been having nightmares since the incident and cried every time he saw the police.¹⁹
- Twenty-year-old Ms S.D. also reported to the *ERRC* that in 1999 she was begging in downtown Pisa with her infant child, when a policeman came, accused her of theft, beat her in broad daylight

¹⁶ *European Roma Rights Center* interview with Mr I.D., January 18, 1999, Pisa.

¹⁷ Case summary based on *European Roma Rights Center* interview with U.A., November 12, 2002, Rome.

¹⁸ *European Roma Rights Center* interview with S.H., March 1, 2001, Rome.

¹⁹ Case summary based on *European Roma Rights Center* interview with Ms Herminia Degeratu, October 30, 2002, Rome.

in the middle of the street and then let her go. Ms S.D. did not file a complaint in connection with the abuse.²⁰

- Similarly, 38-year-old Mr M.M. told the *ERRC* that on one occasion while he was begging with his four-year old child in a street of Mestre, in mid-December 1998, a policeman got out of a car and without provocation punched him in the face. Then the officer took Mr M.M.'s child away from him. The child was eventually restored to the family. Mr M.M. did not press any charges in connection with the incident.²¹

Abusive Police Raids

Police in Italy frequently engage in abusive raids of Romani camps. In the course of these raids, Romani children as well as adults often fall victim to violence by law-enforcement officials. The cases below exemplify the types of abuse children are subjected to during such raids:

- On November 8, 2002, fifteen municipal police, accompanied by Mr Mario Vallarosi, head of the Municipality of Rome's Immigration Office, entered the Via Troili Romani camp, on the northwestern periphery of Rome, to perform "routine checks" at approximately 3:00 AM. Via Troili is a state-run camp, authorised to house one hundred and fifty Roma in container units. Two hundred Roma live in the camp. Ms A.M., a 25-year-old Romani woman living in the camp with her husband and their 3-year-old daughter, testified to the *ERRC* that she awoke to loud voices, crying and lights. Ms A.M. reported that an officer opened the door to their container home that she thought had been locked and shined a bright light on her family. According to Ms A.M., her daughter jumped out of bed, screamed "monsters" and began to cry. The officer then yelled at the family to get out of bed and go outside with their documents. Ms A.M. told the *ERRC* that she asked the officer if her daughter could stay inside because it was very cold and raining, but the officer said no. The Romani inhabitants of the camp were reportedly forced to stand outside until around 7:00 AM. At this point, Ms A.M. stated, the officers told the Romani inhabitants of the camp that anyone not on the list of people registered to live in the camp would be deported and that they should not complain because they were the police and what they were doing was right and legal.²² On December 2, 2002, a representative of Rome's Immigration Office informed the *ERRC* that no one from the Via Troili camp had been expelled since the raid. No complaints were filed in connection to the raid.
- In January 1999, 16-year-old S.E. was reportedly beaten by police officers during a raid on a campsite near Palermo. Fifty-three-year-old Mr S.F. told the *ERRC* that on January 10, 1999, he was an eyewitness as eight *carabinieri* arrived in two cars in the Favorita camp in Palermo and started to search the caravans and makeshift shelters in the camp, without producing any authorization or explaining anything. Mr L.D., an informal leader of the Roma in the camp, asked the police officers what they were doing. In response, police officers reportedly pushed him several times and then one of them allegedly put a handgun to his head. By that time, a crowd from the camp had gathered around; they reportedly pushed the *carabinieri* back and broke the windows of their cars, after which the *carabinieri* left. One of the *carabinieri* reportedly fired two shots in the air as they were leaving. Minutes later, the entrance of the camp was blocked by two *carabinieri* cars. Approximately one hour later, four *carabinieri* stopped 16-year-old S.E., a nephew of L.D., as he was returning to the camp from a football game, and beat him in public with truncheons. They then transported S.E. to the station of the *carabinieri*. An Italian friend of L.D. reportedly witnessed the beating and informed L.D. L.D. then called the commanding officer of the local *carabinieri*, and the latter brought the boy back, escorted by *carabinieri* officers. According to the testimony of Mr L.D., the ranking officer then requested that Mr L.D. not "make a fuss"

²⁰ Case summary based on *European Roma Rights Center* interview with Ms S.D., January 18, 1999, Pisa.

²¹ Case summary based on *European Roma Rights Center* interview with Mr M.M., January 29, 1999, Mestre.

²² *European Roma Rights Center* interview with Ms A.M, November 10, 2002, Rome.

by bringing the matter to court. Mr L.D. told the *ERRC* that he had agreed, in exchange for a verbal agreement to recognise his local authority.²³

- In the San Donnino camp in Florence, police officers reportedly kicked a child named A.B. while raiding a Romani camp in early 1999. Sixty-year-old Mrs K.K. and 39-year-old Mrs S.K. provided the *ERRC* with the following account of a raid on their camp: Around twenty uniformed policemen came, carrying submachine guns. They made everyone leave their caravans and makeshift shelters, conducted a search and then sprayed everything inside the dwellings with some chemicals they had brought with them; they said this was “for disinfecting”. Officials reportedly sprayed bread, water and baby-food formula left in the open.²⁴

Abusive Use of Firearms

ERRC research indicates that police in Italy open fire on persons they believe to be Roma in circumstances in which they would be unlikely to shoot at non-Roma. Police in Italy also use firearms abusively in order to intimidate Romani adults and children.

For instance, on May 22, 1998, at around 4:00 PM, Mr P.N., a police officer from the *carabinieri* shot and permanently mutilated Natali Marolli, an 8-year-old Romani girl, in Montaione, approximately forty kilometres south-west of Florence. The bullet entered the car in which Natali was sitting along with three adults through the back-window, went through Natali’s left eye, exited through the back of her head, and then hit and lightly wounded the front passenger, a Romani male, in the head. Another bullet lightly wounded Natali’s mother, Biserka Nikolic, and then struck Natali in the cheek. The girl has been in a state of so-called “waking coma” since then. Natali’s mother is a Romani woman from Serbia; her father, Halil Marolli, is a Kosovar Albanian. The police, who claim to have fired four shots in all, had apparently been waiting in ambush after having received a report that a “suspicious-looking car with Gypsies was in the neighbourhood.”²⁵ According to the police, when the car with the Roma did not stop when ordered, they opened fire. As of May 30, 2000, no disciplinary measures had been taken against either officer. An initial investigation into the shooting acquitted officer P.N. of attempted murder of the child. Thereafter, the three adults involved filed a complaint, requesting prosecution of the police for attempted murder. The case was dropped as the magistrate judged that the police had acted within the law. As of May 30, 2000, on the basis of new evidence filed by the attorney for the parents of the victim, the case had been reopened by a Florentine prosecutor; a local court closed the penal case in 2002 due to insufficient evidence against officer P.N. A civil suit for damages was filed on behalf of Natali but no hearings had taken place as of January 7, 2003. Natali was still in a coma as of January 7, 2003.²⁶

Police are also quick to draw weapons as a form of intimidation in camps. In the unauthorised Masini camp near Florence, the *ERRC* was told that during a raid there in the autumn of 1998, a police officer pointed a pistol at the head of a small girl. He reportedly threatened her and accused her family of hiding the father of the girl, for whom they were evidently searching. The father, 31-year-old Mr N.S., told the *ERRC* that at the time he had been at work; upon returning to the camp, he learned that officers had been looking for him and went to the police station voluntarily. There, officers informed him that it had been “a mistake”, and that they did not want him after all. Officers reportedly did not apologise for having

²³ *European Roma Rights Center* interview with Mr L.D., January 24, 1999, Palermo.

²⁴ Case summary based on *European Roma Rights Center* interview with Mrs K.K., January 18, 1999, Florence; and *European Roma Rights Center* interview with Mrs S.K., January 18, 1999, Florence.

²⁵ Communication issued by the Montaione Police following the incident.

²⁶ Case summary based on *European Roma Rights Center* interview with Ms Biserka Nikolic, Florence, January 17, 1999; *European Roma Rights Center* interview with Mr Piero Colacicchi of *Associazione per la difesa dei diritti delle minoranze* (Association for the Defence of the Rights of Minorities), January 15 and 16, 1999, and January 7, 2003, Florence; and *European Roma Rights Center* interview with attorney Antonino Filasto, January 18, 1999, Florence and May 30, 2000, Florence.

pointed a firearm at the head of Mr N.S.'s daughter.²⁷ Similarly, in the unauthorised Etrema camp in Milan, the *ERRC* was told by 37-year-old Mr B.O. that he had witnessed police officers beating a 14-year-old boy named R.O. in the camp; then one of them pointed his gun at the boy's head, threatening him.²⁸

Illegal Expulsions of Roma

Roma in Italy have been discriminatorily targeted for abusive law-enforcement actions by Italian authorities seeking to curb, prevent, and even reverse immigration from non-Western countries.²⁹ Over the past two years, the *ERRC* has been informed of several instances in which Roma in camps throughout Italy were rounded up with a view to deportation. In one such instance of egregious violation of international norms,³⁰ thirty-six Roma from the 'Tor de' Cenci camp on the northern periphery of Roma and twenty from the Casilino camp on the other side of Rome were deported on the same plane, victims of simultaneous raids conducted by municipal and state police. The Roma were all expelled to Bosnia, a country where they are exposed to persecution on ethnic grounds. One child with a severe medical condition requiring regular and specialised medical treatment was deported to Bosnia, where the health care system and the infrastructure necessary to access it had not yet been rebuilt after the war. Another child, separated from this mother in the course of raid, was expelled by himself while his family remained in Italy. A summary of the case follows:

On March 3, 2000, at around 1 AM, according to eyewitness testimony provided to the *ERRC*,³¹ a number of police and *carabinieri* violently entered the Casilino 700 camp. Officials reportedly broke windows and used abusive physical force while detaining individuals, as well as insulting the ethnic origins of Roma in the camp. The officials detained approximately thirty Roma from the area of the camp known as the "Bosnian" zone. According to media reports and eyewitness testimony,³² a simultaneous raid on the 'Tor de' Cenci camp, inhabited mainly by Roma from Bosnia, took less than three hours. All of the inhabitants of the camp were detained and subjected to checks. Officials reportedly destroyed property belonging to Roma in the process of dismantling the camp and physically abused individual Roma.

Two police buses drove thirty-six Romani men, women and children from the 'Tor de' Cenci camp to Rome's main airport, Leonardo da Vinci, in the nearby suburb of Fiumicino. Twenty Roma from the Casilino 700 camp were also escorted by an approximately equal number of military police to the airport. Upon arrival at the airport, the Roma were ushered through an alternate entrance so that, "for security purposes," the expulsion "would not attract public attention," according to Dr Luigi Lusi, the city of Rome's Advisor for Nomad Affairs.³³ The Roma were placed on a private aircraft leased by the Ministry of Interior and were then expelled to Bosnia.

²⁷ *European Roma Rights Center* interview with Mr N.S., January 17 1999, Florence.

²⁸ *European Roma Rights Center* interview with Mr B.O., January 27, 1999, Milan.

²⁹ In recent years, the Italian Government has been pursuing an increasingly restrictive immigration policy. As recently as July 2002, the center-right government coalition in Italy passed with a wide margin of popular support an extremely restrictive immigration bill. The law, known in Italy as the "Bossi-Fini" law, allows law-enforcement authorities to immediately deport any immigrants who are not in possession of a *permesso di soggiorno* (a residence permit), with no prior judicial review.

³⁰ The collective expulsion of aliens is in violation of Article 4 of Protocol 4 to the European Convention of Human Rights.

³¹ *European Roma Rights Center* interviews with inhabitants of the 'Tor de' Cenci camp, March 4, 2000, Rome. Names on file at the *ERRC*.

³² *European Roma Rights Center* interviews with inhabitants of the 'Tor de' Cenci camp, March 4, 2000, Rome. Names on file at the *ERRC*. See also articles published in the national dailies *La Repubblica*, *Corriere della Serra*, *il Manifesto* and *il Messaggero* on March 4 and 5, 2000.

³³ *European Roma Rights Center* interview with Dr Luigi Lusi, March 8, 2000, Rome.

According to *ARCI*, an Italian non-governmental organization, among the deported Roma were pregnant women and children.³⁴ Some of the latter reportedly had serious health conditions. For example, Alisa, the daughter of Ms Hadžira Sulejmanovic, suffers from Down's syndrome and has a heart condition for which she had undergone open-heart surgery just prior to the expulsion. Health care, transportation and general infrastructure in Bosnia are still in the post-war redevelopment stage, and chronic illnesses such as Alisa's have the potential to be fatal under such circumstances, even though they may not be life-threatening with adequate medical care.

According to the same source,³⁵ one child was separated from his mother and expelled to Bosnia after the police refused to believe that the woman with whom he was detained was indeed his biological mother. The boy, 15-year-old Mirsad P., was expelled to Bosnia in his pajamas. His mother, Devleta O., was still in Italy as of May 23, 2000.

Referring to the Roma concerned as "nomads", Mayor of Rome Mr Francesco Rutelli stated in a faxed press release dated March 6, 2000, that the operation had been "successful" and that police had expelled "nomads involved in illegal activities" from Italy.³⁶

In November 2002, the Italian government settled cases brought by the deportees before the European Court of Human Rights. Pursuant to the settlement, Italy agreed to revoke the expulsion decrees, to return the deported families to Italy, to grant them humanitarian residence permits, and to pay damages in excess of 160,000 Euro.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Discriminatory Removals of Romani Children from Their Families

As to Article 9, the *ERRC* is particularly alarmed at a pattern of targeting Roma for discriminatory removal of children from their families. The Government has provided information in its report to the Committee indicating that the practice of targeting Roma for such actions is current:

351 [...] The phenomenon of nomad families and citizens of States which do not belong to the European Union who use not only their own children for begging or for washing windcreens but also other children given by their family of origin for this "work" [...] has been discovered many times, but it has been preferred to intervene with measures of protection, taking the children away from these situations.³⁷

Removals are often justified by Italian domestic legal provisions on the mistreatment of minors—frequently after Romani parents have been detained while allegedly begging with children—and therefore are often supported with arguments derived from the discourse of children's rights. The pattern of forced removal of Romani children from their families in Italy is entirely at odds with the principles and provisions of the Convention, insofar as no other ethnic group in Italy is specifically targeted for such actions.

Subsequent to being removed from their families, Romani children are placed into state care or put up for adoption, generally by non-Romani parents. The Italian Law on Adoption of 1983, which treats children as abandoned if their parents cannot provide them with continuous moral and material support, leaves

³⁴ *European Roma Rights Center* telephone interview with *ARCI* representative Mr Carlo Chiaramonte, March 4, 2000, Rome.

³⁵ *European Roma Rights Center* telephone interview with *ARCI* representative Patrizia Allaria, March 4, 2000, Rome.

³⁶ Press release of the Mayor of Rome, March 6, 2000.

³⁷ CRC/C/70/Add.13, section 351.

remarkable discretionary powers to the authorities applying it — powers easily abused by over-zealous, ignorant or racist authorities. A commonly cited motive for taking Romani children into state custody is exploitation of minors (*sfruttamento di minori*).³⁸ Since Italian employers often will not hire Roma, begging is a common way for Roma to earn a living in Italy. There is no law against begging in Italy, but authorities often apply legal provisions outlawing the exploitation of minors as a punishment for begging.

Additionally, Italian authorities sometimes cite failure by Romani parents to send their children to school as possible grounds for the removal of children from parental care. For instance, Dr Luigi Lusi of the Office of Nomad Affairs of the City of Rome told the *ERRC* that Romani children are commonly removed from their families because “they fail to integrate their children into Italian society by sending them to school.”³⁹ However, as the education section in this submission demonstrates, Romani families often find themselves denied access to education for their children.

The following is a partial list of relevant cases documented by the *ERRC*:

- The *ERRC* documented the case of two-year-old Ana Maria Stanciu, who was removed from her parents, Mr Marian Stanciu, a 20-year-old Romani man, and his partner, Ms Anisoara Calin, a 20-year-old Romani woman, who were arrested and each given eight months imprisonment for exploitation of a minor for economic ends. According to the Italian non-governmental organisation *3 Febbraio*, the Stanciu family had arrived in Italy in September 2001 from Craiova, Romania, to seek medical assistance for Ana Maria, who had been born prematurely and suffered growth problems. Since their arrival in Italy, Ana Maria had been in hospital three times for treatment. According to information published in the Italian national daily newspaper *Il Corriere della Sera* of March 15, 2002, on March 14, 2002, the couple was arrested at approximately 9:00 PM, after the police raided the Salone camp in search for them. On the afternoon of March 13, 2002, two police officers had stopped Mr Stanciu and Ms Calin while begging at a traffic light with their daughter. According to *Il Corriere della Sera*, when the officers saw that Ana Maria was an infant, they reportedly asked for verification of Ana Maria’s identity. Then the family was detained and taken to the nearby hospital, Umberto I. At the hospital, the police informed Mr Stanciu and Ms Calin that they were going to investigate their treatment of Ana Maria and that judicial proceedings would be undertaken. The Italian non-governmental organization *3 Febbraio* told the *ERRC* in a telephone interview the evening of March 14 that on March 13, 2002, Ms Calin fled the hospital with Ana Maria, fearing the court would take her away. According to *3 Febbraio*, there was a court hearing on May 7, 2002, to determine if Ana Maria would immediately be put up for adoption.⁴⁰ Ana Maria had been placed in foster care pending the court’s decision. On January 4, 2003, Ana Maria was returned to her parents. Her father told the *ERRC*: “I think I will be afraid for the rest of my life. It feels like, now, at any minute someone can decide to take away my child.”⁴¹
- In an overtly racist action, on July 14, 1999, Elvizia M. was taken from her mother, Ms A.M., reportedly because the chipper, green-eyed Elvizia was “too pretty to be a Gypsy,” as police officers

³⁸ Article 671 of the Italian Penal Code punishes the use of minors under 14 for begging by up to one year in prison.

³⁹ *European Roma Rights Center* interview with Dr Luigi Lusi, March 5, 2000, Rome. Dr Lusi additionally told the *ERRC* on March 8, 2000: “If a Gypsy parent chooses not to send their children to school, the reasons are obvious: they have sent them out to steal and beg. They do not deserve what our country has to offer.” (*European Roma Rights Center* interview with Dr Luigi Lusi, March 8, 2000, Rome). Similarly, a representative of the Child Welfare Office in Rome, told the *ERRC* that “the parents of Gypsy children who force their children to rob instead of attend school must be treated with maximum severity [...] The laws that apply to Italians are not enough for them!” (*European Roma Rights Center* interview, May 13, 2002, Rome.)

⁴⁰ *European Roma Rights Center* interview with *3 Febbraio* representative Mr Luigi Olivieri, March 14, 2002, Rome.

⁴¹ Case summary based on *European Roma Rights Center* telephone interview with Mr Marian Stanciu, January 7, 2003; and *European Roma Rights Center* interviews with *3 Febbraio* representative Mr Luigi Olivieri, March 14, July 15, and December 20, 2002. See also articles published in the national daily *Il Corriere della Sera* on March 14 and 15, 2002.

told her mother.⁴² Elvizia's father came immediately from Romania to prove that his daughter had inherited her green eyes, which are not stereotypically associated with Romani features, from his side of the family. Ms A.M., told the *ERRC*, "I knew that this [children being taken into state custody] happened in Italy, but I didn't know that it was an issue of prettiness. I was afraid that we would never see her again." After one month of constant pressure from volunteers who work in Casilino 700, the camp where the family lived, including photos of the baby in her mother's arms after birth, Elvizia was finally returned to her parents.

- On March 29, 1999, around 7 AM, Mr Florian Vital Fistoganu, his wife and their two children (a two-year-old girl and a four-year-old boy) were detained by police while begging in the streets of the northern town of Pavia. They were taken to the police station and kept there without being allowed to contact a lawyer until noon, when two policemen came into the cell and violently took the children away. Mr Fistoganu told the *ERRC*: "The police came in and, without asking, grabbed my daughter. My wife held on to her and the baby began to scream. My wife began to scream too. One policeman started to kick my wife and another policeman slapped her with open hands. When they pulled the baby away, my wife fell and hit her head."⁴³ The children were initially placed in institutions far away from the place where their parents resided; they were eventually moved back to the Pavia area, and their parents received visitation rights once a week. When Mr Fistoganu and his wife tried to file a complaint concerning the treatment they received from the police, the judge in charge of his custody case reportedly became angry.⁴⁴ Mr Andrea Delaca, a volunteer for the non-governmental organisation *LITE*, who was assisting Mr Fistoganu at the time, reported to the *ERRC* that the judge in charge of the case remarked during custody proceedings: "These people are like rabbits and will reproduce quickly. They won't miss having two children less."⁴⁵ The judge told Mr Fistoganu that in order to regain custody of his children he would have to move into an apartment, find full-time employment, and receive a residence permit for Italy. Mr Fistoganu managed to secure all the conditions imposed by the judge, and on July 27, 2001, his two children were returned to him. That afternoon, Mr Fistoganu was killed in an accident at work. Following his death, his wife and children went into hiding for fear of being separated again.⁴⁶

Romani parents throughout Italy have become painfully aware of the practice of Italian authorities of targeting Romani families for discriminatory removal of children from parental care. For instance, Ms Liliana Baboi, a Romani woman originally from southern Romania, spent much of the fall of 2002 hiding from the municipal social assistants whom she fears want to remove from her care her youngest son, who is nine months old. Ms Baboi said that in early December a municipal social assistant came to see her in the unauthorised camp on the outskirts of Rome where she then lived. Ms Baboi told the *ERRC* of her encounters with the assistant: "She said: 'How can you treat your child like a dog?' [...] The next day she came back with a piece of paper. I don't read well, but I saw *Tribunale dei Minori* [minors' court] on top. She said: 'Sign this so you can get some help.' When I said no, she got angry and said: 'You don't have a choice! Look at what you are doing to your baby, you animal. You feed him potatoes and meat. That's no food for a child! You aren't a mother.'" Ms Baboi told the *ERRC*: "I am a good mother. I love my children and would die for them. I am a good mother but this is a hard life. I see all of these [Italian] mothers walking around proudly, happily with their children. [...] All I can do is hide my face and put out my hand."⁴⁷ As of December 12, 2002, Ms Baboi was in hiding.

⁴² *European Roma Rights Center* interview with Ms A.M., July 26, 2000, Rome.

⁴³ *European Roma Rights Center* telephone interview with Mr Florian Vital Fistoganu, February 25, 2001, Rome.

⁴⁴ *European Roma Rights Center* telephone interview with *LITE* representative Mr Andrea Delaca, February 25, 2001, Rome.

⁴⁵ *European Roma Rights Center* telephone interview with *LITE* representative Mr Andrea Delaca, February 25, 2001, Rome.

⁴⁶ *European Roma Rights Center* telephone interview with *LITE* representative, August 1, 2001, Rome.

VII. BASIC HEALTH AND WELFARE

Discrimination in Housing

As to Article 27, the *ERRC* is concerned about the systemic physical separation of Roma in a state-sponsored and state-organised system of “camps for nomads”, subjecting them to the fundamentally degrading treatment of racial segregation. Since most state-run camps are surrounded by a wall or fence, and a regime of gatekeepers render authorised camps into places of restricted access, many Roma are under regular surveillance, and find their freedom of movement, as well as that of their visitors, arbitrarily restricted. Roma living in those camps which are not “authorised”--i.e., fall outside the scheme of official, segregated housing arrangements -- lack basic security of tenure and often fall victim to forced evictions. Evictions are often followed by the destruction of entire settlements, with no alternate housing being provided by the authorities. Moreover, living conditions in these camps are inadequate in the extreme, frequently with no basic infrastructure and services available to their occupants.

Segregation and Inadequate Housing Conditions

Most Roma in Italy live in a state of separation from mainstream Italian society. For over half of Italy's Roma, this separation is physical: Roma live segregated from the rest of Italian society. Where Italian authorities have expended energy and resources on Roma, these efforts have in most cases not been aimed at integrating Roma into Italian society. Quite the opposite: Italy is the only country in Europe to boast a systematic, publicly organised and sponsored network of ghettos aimed at depriving Roma of full participation in, or even contact or interaction with, Italian life. These Roma, in Italian parlance, live in “camps” or squalid ghettos that are “authorised”. In some areas, Roma “squat” abandoned buildings or set up camps along the road or in open spaces in the vicinity of major cities. These settlements are often called “illegal” or “unauthorized” camps.

Camps vary in size from a dozen persons – for example, one of the unauthorised camps in Via Castiglia, Milan – to more than fifteen hundred persons, for example, the massive unauthorised Salone camp in Rome.⁴⁸ About 95 percent of the Roma in camps visited by the *ERRC* were immigrants or the children of immigrants; the rest were itinerant Italian Roma or Sinti.⁴⁹ Most of the immigrant Roma (around 70 percent) came from ex-Yugoslavia. Another sizeable group of immigrants came from Romania (about 25 percent), with the remaining 5 percent composed of small groups and individuals from other countries. The smaller camps, home to only fifteen to thirty people, are generally unauthorised. Authorised camps tend to comprise at least one hundred persons.

Camps tend either to comprise Roma of one nationality or, where camps are large, to be divided into sections by place of origin with, for example, “Bosnian”, “Kosovar”, “Serbian” and “Romanian” sections. In some cases, camps are in close proximity to official or unofficial housing arrangements for non-Romani immigrant groups. Mr I.B. from the unauthorised camp in the industrial zone of Eboli-Battipaglia showed the *ERRC* a dilapidated mill building about fifty metres from the camp. He said that Moroccans were living there.⁵⁰ Many Italian Roma also live in camps: At the time of the *ERRC* visit in January 1999, there were between 100 and 150 persons living in trailers in the camp at Via Vallenari, Mestre. Another group of about the same size lived, also in trailers, at the Bella Sofia unauthorised camp in Palermo.

⁴⁷ *European Roma Rights Center* interview with Ms Liliana Baboi, December 12, 2002, Rome.

⁴⁸ Camps are most often designated by the name of the street or area on which they are located.

⁴⁹ Recently, Italian government officials have attempted to argue that camps are necessary “to give clandestine immigrants an opportunity to establish their identity” (see United Nations Committee on Economic, Social and Cultural Rights, *Summary Record of the 6th Meeting: Italy*, E/C.12/2000/SR.6, 3 May 2000).

⁵⁰ *European Roma Rights Center* interview with Mr I.B., January 23, 1999, Eboli-Battipaglia.

Most authorised camps are surrounded by a wall or fence. In many instances, a regime of gatekeepers render authorised camps into places of restricted access, effectively violating the freedom of movement of Roma living there as well as that of visitors. Thirty-year-old Mr T.C., a non-Romani gatekeeper at one authorised camp told the *ERRC* that there were many “restricted” persons in the camp, meaning that their leaving the camp was forbidden partly or fully. People in authorised camps are under permanent control, while people in unauthorised camps are subjected to control at intervals. In all but one camp – the Zelarino Camp in Mestre – the *ERRC* witnessed that relations between the administration of the camp and the Roma living in the camp appeared to be founded on mutual distrust and fear.

There is not always a significant difference between the quality of life in an authorised and an unauthorised camp. Roma in camps live in makeshift barracks, containers and old trailers. Rarely, in authorised camps, there are some standardised barracks (e.g. in the Muratella camp in Rome) or some tents provided by municipal authorities. Newcomers are often initially sheltered by inhabitants of longer standing until they can buy a caravan or build a shack. In about two-thirds of the camps visited by the *ERRC*, the ground was just dirt which turned to mud with each rain and produced huge clouds of dust in the summer. In the Casilino 700 camp in Rome, many shacks had been built on poles to keep the floor above the mud. In about half the camps there are a few trees; the rest are devoid of anything green.

In about three-quarters of the camps there is running water and electricity. Water is either supplied free-of-charge by the municipality in some authorised camps, or at a subsidised rate, or at full rate, or stolen by the local Roma. The same applies for electricity. Both water and electricity are usually stolen in unauthorised camps, but there are exceptions. For example, in an unauthorised camp in Florence, local authorities supplied water and even built showers. However, they erected the eight cold water showers right in the open, on a concrete platform in the middle of the camp. The *ERRC* team was told with laughter that of course no one would make a show of showering with everybody looking. The showers were being used for washing clothing at the time of the *ERRC* visit. Similarly, in the authorised camp of Poderaccio, on the outskirts of Florence, at the time of *ERRC* field research in January 1999, authorities provided electricity. However, the municipality did not install electricity meters for each family, but rather installed electricity meters for every eight families. Obviously, this caused many problems, since nobody could tell how much energy each family consumed, or what portion of the common bill each family was supposed to pay.

Of the thirty camps visited by the *ERRC* as of 2000, only one – the authorised camp in Via Rismondo, Padua – had a sewage system approaching adequacy, with a toilet cabin for every two families. Some of the camps had movable chemical toilet cabinets. The chemical toilet is a plastic box like a telephone booth, to be used by one person at a time. In all camps the *ERRC* visited there were fewer than needed. Some cases are drastic: In Casilino 700, in Rome, about a dozen chemical toilets served around 1500 Roma. Chemical toilets need close and periodic care by professional personnel. Where this is missing, they become useless and ugly monuments to negligent municipal bureaucracy. To passers-by, they confirm the prejudice that Roma smell and are dirty. In the authorised Favorita camp in Palermo, no toilet facilities existed at all in a camp of about 1000 people at the time of the *ERRC* visit.

Authorities effectively block efforts of the Roma themselves to improve their housing. Authorities often refuse to permit Roma in authorised camps to build houses. The *ERRC* was told on several occasions by Roma that they had been trying to acquire guarantees from local authorities that if they did build a house in the camp, it would not be demolished by officials. Alternately, some Roma with whom the *ERRC* spoke had requested designation of an appropriate housing site outside the camp, so that they could build there. The *ERRC* is not aware of any cases in which such permission was granted. Building without a permit in Italy can have serious legal consequences: Articles 7 and 20 of Law 47 of February 28, 1985, punishes unauthorised construction by imprisonment for up to two years and a fine of 10,000,000 to 100,000,000 lira (approximately 5000-50,000 Euro).

Forced Evictions and Destruction of Camps

Roma living in Italian camps lack basic security of tenure. They are targeted for forced eviction actions, which often include the destruction of entire unauthorised camps. For instance, in Milan, the *ERRC* was

briefed by 29-year-old Mr R.P., one of the informal Roma organisers in the Via Castiglia neighbourhood. He and his extended family, relatives and friends, were illegally occupying an old brick five-floor house. The house had running water but no electricity. The Roma had moved in two weeks before the *ERRC* visit after a series of forced evictions and displacements. On January 12, 1999, the police had destroyed their caravans (about thirty in number) in the Via Novara camp in Milan. They had been in that camp for about four months, having arrived in August 1998. Before that, they had been in yet another camp in Milan, in Via Gioia, where their shelters had also been destroyed by authorities. Mr R.P. told the *ERRC* that his group had been pushed from one unauthorised camp to another, forced evictions occurring on average once every four or five months. Police had also recently threatened him to “move, or we’ll take your trailers and cars.”⁵¹

On January 27, 1999, the *ERRC* was taken by Mr R.P. to the site of an unauthorised camp in an empty space between two buildings, next to the house occupied by the Roma; the *ERRC* team was told that the six caravans in that camp had been bulldozed on January 26, 1999. The *ERRC* saw and documented the two-metre-high pile of debris to which authorities had reduced the caravans by knocking them over with bulldozers. The team was then taken to an empty lot across the street, where there was a similar pile of debris, only somewhat smaller, and two women and one small child, sitting on some bags on the ground. One of the women was crying silently. Authorities had finished their work less than one hour previously, destroying their three caravans. The women, Mrs M.I. and Mrs D.C., told the *ERRC* that there had been twelve people living there, nine men and three women, all of them Romanian Roma. Their husbands, they said, had gone to work early in the morning, around six o’clock, and did not know what had happened in the meantime to their caravans.⁵² Mrs M.I. said that about fifteen police officers had arrived that morning. They told the women that they should leave the caravans and gave them about twenty minutes to get their belongings out. The little girl, they said, was eighteen months old.⁵³ The Roma made homeless by the destruction of their caravans then occupied another empty house nearby. The *ERRC* continued to monitor the situation and for about three months the Romani families stayed there. Then, on April 14, 1999, at about 8:30 AM, the police came and evicted about a hundred Roma from the two slum houses in Via Castiglia. The eviction was executed by about thirty police officers. They gave the Roma two hours to clear out. Because many of the men were at work and their wives had to go and find them, the time provided by the police was insufficient. When all Roma had left the houses, the doors were sealed with masonry. The belongings and documents of those Roma who had not been found in time were sealed inside.⁵⁴

The operation in Via Castiglia had been initiated by the municipality, the owner of the houses. Municipal officials gave the squatters two options. The first option was that women and children only could be sheltered under a civil protection program, a option that would have effectively broken up the families. The other option was for all of them to move to the Via Barzaghi camp on the outskirts of the city. Via Barzaghi had no infrastructure at all: no toilets, water, electricity, and no barracks or any other shelter. On April 19, 1999, a delegation consisting of representatives of the evicted Roma and supportive local non-governmental organisations met with members of the local council; the monitor of the *ERRC* for Northern Italy also participated. The delegation tried to make it clear to the councillors that the Roma wanted and needed adequate housing. Councillor Fumagalli either sincerely or disingenuously stated that he did not believe them, because normally what all Roma want is a camp and not a house.

Similarly, on January 23, 1999, 34-year-old Mr I.B. and his wife, who was nursing an approximately one-year-old baby, took the *ERRC* to the unauthorised camp in the Eboli-Battipaglia industrial zone in

⁵¹ *European Roma Rights Center* interview with Mr R.P., January 27, 1999, Milan.

⁵² *European Roma Rights Center* interview with Mrs M.I., January 27, 1999, Milan. *European Roma Rights Center* interview with Ms D.C., January 27, 1999, Milan.

⁵³ *European Roma Rights Center* interview with Mrs M.I., January 27, 1999, Milan.

⁵⁴ See “Snapshots from around Europe”, *Roma Rights* 2/1999, available at: http://errc.org/rr_nr2_1999/snap18.shtml.

southern Italy, from which they, together with other Roma, had been evicted the previous day between 3:00 and 4:00 PM. Mr I.B. told the *ERRC* that first two cars arrived, carrying eight uniformed police officers; then another four cars with sixteen men in street clothes, bringing the total to twenty-four persons. They told residents of the camp that they should leave the site “right away”, otherwise authorities would seize the eight cars and destroy the four trailers at the site. Mr. I.B. told the *ERRC* that he had asked the policemen why they were evicting them; he also asked for the papers authorising the eviction. He received no answer and was shown no papers.

The Roma packed and left hurriedly, under the stare of the authorities’ representatives. The *ERRC* saw pieces of clothing and broken furniture and household appliances scattered around the camp; there were also some children’s toys and Italian school readers and textbooks lying on the ground. Of the dozen or so makeshift barracks, several had been destroyed. Inside one of the shacks that remained standing, the *ERRC* team saw some heaps of clothing and some open packets of rice and sugar. “We had to hurry so much we didn’t even take all the food,” the wife of Mr I.B. explained to the *ERRC*. The group then split up, looking for places to spend the night. Mr I.B. and his wife took the *ERRC* to the new impromptu camp where they and their relatives, around thirty in all, had spent the previous night. It was a place in the same industrial area, about ten kilometres away. It looked like an old dump, now overgrown with grass, in front of a dilapidated factory building. There they had spent the night in their cars and a couple of tents. The factory was full of dirt and was unusable as a shelter; there was no water or electricity in the vicinity.

There had been ten families – around one hundred persons – in the raided and now vacated camp; they were all Roma from Mostar, Bosnia. Mr I.B. and his wife have nine children, aged from eleven months to fourteen years. They had arrived in Italy in 1990. At the time of the *ERRC* visit, they had not received residence permits; the last time they had applied was a month and a half prior to the *ERRC* interview. Since arriving in Italy, they had never had a legal fixed address. Authorities had repeatedly evicted them from sites and forced them to move on. Mr I.B. informed the *ERRC* that he had been living with his relatives for about three years in this industrial zone. During that time, they had been chased from one site in the zone to another, on average once every four or five months.⁵⁵ In a subsequent interview with the *ERRC* on April 1, 2000, Mr I.B. stated that police had raided the site another seven times in the fourteen months since the *ERRC* had first interviewed him.⁵⁶

Mr B.O. from the Viale Eritrea unauthorised camp in Milan also told the *ERRC* of evictions from camps; these occurred on average around once every two months. The previous camp this group had inhabited had been in Via Castellamare, Milan; the authorities gave them “five minutes to clear away” from that camp, he said. He also told the *ERRC* that police came and raided the camp at irregular intervals, roughly once every six weeks; on several occasions the police had imposed a fine on one of the trailers on the grounds that it was standing in an unauthorised site. The fine demanded was relatively large. For example, one month before the *ERRC* interview, the amount of the fine had been 800,000 lira (approximately 400 euros). The police threatened that they would come with a bulldozer and crush the trailer if the fines were not paid.⁵⁷

VIII. EDUCATION

As to Articles 28 and 29 of the Convention, the *ERRC* is concerned that Romani children in Italy do not enjoy equal access to education. Many Romani children who live in segregated housing facilities in camps effectively have no access to the Italian school system. Frequent evictions also preclude Romani children from attending schools with any regularity. Many Roma are too poor to afford decent clothes, school supplies and the transportation necessary to ensure regular attendance by their children, and the few supplies Romani children have are often destroyed during police raids. When they do attend school,

⁵⁵ *European Roma Rights Center* interview with Mr and Mrs I.B., January 23, 1999, Eboli-Battipaglia industrial zone.

⁵⁶ *European Roma Rights Center* interview with Mr I.B., April 1, 2000, Eboli-Battipaglia industrial zone.

⁵⁷ *European Roma Rights Center* interview with Mr B.O., January 27, 1999, Milan.

Romani children suffer abuse, segregation and discrimination in Italian schools. As a result, many Romani children do not attend school at all, or drop out at an early age.

At present, the Italian educational system fails in practice to meet its international and domestic commitments where Roma are concerned. Article 34 of the Italian Constitution stipulates that “schools are open to everyone.” Furthermore, Memorandum 207 of July 16, 1986, of the Ministry of Public Education stipulates that “all those who reside on Italian territory have full access to the various types and levels of Italian schools, even if they are not Italian nationals; any hostility towards them, or reluctance constitutes a manifest breach of the civil and constitutional principles of the Italian state.”⁵⁸ Several subsequent circulars by the Ministry reaffirm this principle. These legal measures notwithstanding, a dramatic number of Romani children in Italy are in practice denied their right to education.

The access to education of many Romani children is hindered in part by their segregation in Italy’s camp system, since many camps are located far from schools or from school transportation systems. Even when municipalities provide transportation for children living in camps, the system cannot always be relied on in practice. For instance, a bus driver from a private company that the municipality sub-contracts for school transportation from the camp Salone in Rome told the *ERRC*: “I hate picking up Gypsy kids. Sometimes I don’t even go. One of my colleagues quit when he was told he had to bus the nomads. They are dirty and awful. No one wants them.”⁵⁹ Some local authorities, such as the Rome and Turin municipalities, have relied on local non-governmental organisations to provide transportation for children from neighbouring camps. In a number of cases the government has acknowledged this problem, but has provided inadequate remedies in the form of visiting social workers offering classes in the camps exclusively for Roma children. Children attending these *ad hoc* classes are not taught by professionally certified teachers and do not receive official grades, which disqualifies them for secondary school. Thus, this measure further promotes segregation and only deepens the chasm between Romani children and non-Romani students of mainstream Italian schools.

Repeated raids upon camps, the destruction of dwellings and property by Italian police, forced evictions and repeated displacements all significantly interfere with the ability of Romani children to realise the right to education. For instance, in the industrial zone of Eboli-Battipaglia, on January 23, 1999, the *ERRC* visited an unauthorised camp that had been destroyed the previous day. The *ERRC* was shown around the camp by 34-year-old Mr I.B. and his wife, who was nursing a small baby. They have nine children, aged between eleven months and fourteen years. They had been living in unauthorised camps since the early 1990s. Despite numerous forced evictions, their four children of school age have attended school continuously since their arrival. Their parents have walked or driven them to and from school every day. During the raid the previous day, they had not been allowed time to gather all their possessions. Several schoolchildren’s textbooks were scattered on the ground, trampled by the officials who had destroyed the camp. The parents told the *ERRC* that on the morning after the raid in which police authorities had again destroyed their dwellings and possessions, they had driven their four children to school in their old van, and that they would pick them up in the afternoon. They did not keep their children home from school, although the whole routine of their life had been disrupted.

Similarly, when the camp ‘Tor de’ Cenci was raided and dismantled on March 3, 2000, the remaining inhabitants were transferred to a temporary, pre-fabricated camp, Via Salviati, organised by the City of Rome. The children were disturbed and agitated, and therefore missed that day of school. Many lost their school supplies as officials tore down their shacks with bulldozers. Two days following the raid, the Office of Immigration entered the Via Salviati camp and ordered inhabitants to move to the Casilino camp. Casilino is on the opposite side of Rome and it can take as long as two and a half hours to cross Rome in the morning. This raised the problem of how to get the children to the school in which they were enrolled. Additionally, it was more or less an open secret that following the raid, the Casilino camp was

⁵⁸ European Commission against Racism and Intolerance, *Legal Measures to combat racism and intolerance in the member States of the Council of Europe*, 1998, p.276.

⁵⁹ *European Roma Rights Center* interview with Mr E.Z., September 28, 2002, Orvieto.

being used as a temporary base for those about to be deported. Many of the Via Salviati inhabitants with school-age children went into hiding elsewhere to avoid being expelled from Italy; as a result, their children were effectively pulled out of school.

Another problem is that the few schools located in the relative vicinity of camps do not always want to receive all the children from the camps. Sometimes it is difficult for Romani children to register in school as they lack relevant documents for school registration. Birth certificates are one of the prerequisites for school registration in Italy. Many Romani families are not in possession of their children's birth certificates, and in a number of cases concerning Roma in Italy from the countries of the former Yugoslavia as well as Romania, many Roma have never managed to secure birth certificates for their children.

Romani children who are registered and do attend mainstream schools face a series of racially-motivated obstacles. These include prejudice on the part of non-Romani parents who do not want their children attending school with Roma,⁶⁰ bullying by non-Romani classmates, and stereotyping by teachers and school administrators who perpetuate myths of genetically lower intelligence levels among Romani children.⁶¹ Schoolteachers interviewed by the *ERRC* said that Romani children disturb lessons with "their odour" and that parents do not want their children to associate with "the same people they should learn to fear."⁶² Even teachers with best intentions towards Romani children frequently act on apparently racially prejudicial impulses. One primary school teacher told the *ERRC* that she often washes Romani children when they get to school to avoid them being rejected by classmates. The teacher did not believe it humiliating that she washed the Romani children in the school courtyard in front of non-Romani pupils.⁶³

Many of the Roma interviewed by the *ERRC* stated that a large obstacle to the education of their children is the chronic lack of material resources. Many Romani families report that they are afraid that sending children to school poorly dressed only increases the likelihood that they would be rejected by their peers and discriminated against by teachers and school staff. For example, Mrs M.V. (39), a Romani woman born in the former Yugoslavia who had come to Italy with her husband's family from Romania, told the *ERRC* that she did not send her children to school because she did not have the means to buy them decent clothes.⁶⁴

The Italian Government has not designed any comprehensive programmes aimed at improving the access of Romani children to education. For instance, one problem for Romani children is that, when they first arrive they do not speak Italian, but there is no national program for teaching Italian to foreign children or children of foreign origin. Authorities have attempted to transfer responsibility for the education of Romani children onto non-governmental organisations, with little success. Authorities in Pisa, for

⁶⁰ For instance, on January 11, 2002, the national daily *La Repubblica* ran a story entitled "Parents in Revolt: No to Roma in Classes with Our Children". According to the article, parents in Palermo protested to keep Romani children out of elementary classes attended by their 8-10-year-olds. Similarly, a representative of the Florence municipality told the *ERRC* in January 1999 that children from six Romani families who moved to a new school in Florence in September 1998 had been confronted by angry protests from non-Romani parents who were threatening to withdraw their children rather than have them share the same benches with Roma. Rather than affirming the rights of Roma to equal education, the school administration reportedly dispersed the Romani children among several different schools to assuage non-Romani prejudice.

⁶¹ For instance, the Treviso daily *La Tribuna di Treviso*, reported on April 23, 2002, that a middle school teacher reportedly said to a Romani student "you are an animal, go to the back row." According to the report, the outraged father of the Romani student went to the school and allegedly assaulted the teacher.

⁶² *European Roma Rights Center* interview with Ms Simona Mattera, ex-elementary school teacher in the City of Rome public school district, March 23, 2000, Rome.

⁶³ *European Roma Rights Center* interview with Ms Cristina Mastrolenzi, primary school teacher in Rome's 11th district, Sept 12, 2000, Rome.

⁶⁴ *European Roma Rights Center* interview with Mrs M.V., January 18, 1999, Florence.

example, commissioned a local organisation to provide lessons in Italian for children in the authorised Coltano camp in Via Hidrovola. Prior to initiating the classes, in early 1999, the non-governmental organisation approached the parents in the camp and asked them to fill out detailed questionnaires about their family and children. The parents, most of whom did not have valid residence permits, were afraid that their answering the questionnaire might be used against them by the police, making it more difficult to obtain a residence permit. They therefore equivocated, and the project stalled. The non-governmental organisation in question further antagonised the Roma of the Coltano camp by announcing their intention to use a Muslim prayer room in the settlement for the classes. The Roma refused, on grounds that they had the permission of the local authorities to use the room for religious services. Local authorities, however, reportedly sided with the non-governmental organisation, withdrew their permission, and ordered the Roma to give the room over. On January 18, 1999, the *ERRC* was conducting interviews in the Coltano camp when representatives of the non-governmental organisation arrived in a car, escorted by two uniformed and armed policemen in another car. The non-governmental organisation representatives had come to collect the filled-out questionnaires and to take possession of the disputed room. As expected, there were practically no questionnaires ready, and local spiritual leader Mr I.D. informed representatives of the non-governmental organisation that the community would not turn over the prayer room. A heated argument ensued, which lasted about two hours. The argument was closely monitored by police, but the officers did not intervene. Finally the non-governmental organisation representatives left with the ultimatum that the room should be turned over to them on the next day. They did not specify what would happen if this did not occur. The *ERRC* learned that, one week later, the Roma were compelled to give up the prayer room. Given the circumstances, the success of the training course is to be strongly doubted.

IX. RECOMMENDATIONS

Based on the documentation presented above, the *ERRC* recommends that the Italian Government undertake the following:

1. Investigate and punish police brutality, including torture, abusive raids, and excessive use of force and firearms, against Roma in a thorough and timely manner; bring the perpetrators of police abuse to justice and take all necessary measures to prevent further abuse.
2. Cease discriminatory expulsions of Roma and collective expulsions targeting Roma.
3. Without delay, amend domestic legal provisions relating to discrimination so as to bring them in conformity with European Union and Council of Europe standards in the field. Take all necessary measures to ensure the effective implementation of Italy's anti-discrimination legislation, including, but not limited to, training of all public authorities, including law-enforcement officials, as well as disseminating information about the protection afforded by law against discrimination to the public at large, to members of ethnic and other minorities in Italy, as well as to school teachers and staff.
4. Without delay, ratify Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms.
5. Enact a comprehensive residential desegregation plan so as to abolish segregation in the field of housing in Italy, including but not limited to the system of segregated dwelling areas known as "camps for nomads"; immediately cease state-sponsored exclusionary housing policies, as well as similar practices by non-state actors.
6. Provide compensation and adequate housing to persons whose dwellings or property has been destroyed or damaged in the course of abusive raids by Italian authorities; provide financial

support for the reconstruction of Romani camps and/or housing destroyed by the Italian authorities during raids.

7. Provide Roma in need with adequate housing in conformity with international law; ensure security of tenure, availability of services, affordability, habitability, adequate location, and cultural adequacy for all housing for Roma, so as to offer full access to basic social, economic, and cultural rights.
8. Cease and punish the discriminatory practice of removing Romani children from their families and placing them in state or alternative care. Facilitate the reunification of those families abusively broken up in this manner, and provide services to overcome trauma incurred as a result of such systemic practices.
9. Without delay, take positive action on all issues hampering the integration of Romani children into the mainstream of the Italian education system.
10. Provide training in human rights and anti-discrimination norms for members of law-enforcement, judiciary, and local and national authorities.
11. Enact education plans designed to overcome racism, xenophobia, and anti-Romani sentiment in the Italian education system and to ensure that all students in Italy learn about the important contribution of Roma to the wider Italian society and culture.
12. Develop and support continuing education programmes for teachers to improve their skills to teaching in a multi-cultural context.
13. Develop and implement catch-up or adult education programmes aimed at remedying the legacies of substandard education and non-schooling of Roma.
14. Provide free legal aid to members of weak groups, including Roma and the indigent.
15. At the highest level, speak out against racism and xenophobia and against anti-Romani sentiment, as well as against abuses and human rights violations against Romani children and adults; at all levels, acknowledge and speak out against racism, patterns and practices of discrimination, and segregation.
16. Proactively recruit qualified Roma for professional positions in the administration, law-enforcement forces and the education system.