



PARALLEL REPORT

BY
THE EUROPEAN ROMA RIGHTS CENTRE
AND ASSOCIAZIONE 21 LUGLIO

TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

ON ITALY

FOR ITS CONSIDERATION AT THE 58th SESSION
19 September to 7 October 2011

INTRODUCTION

1. The **European Roma Rights Centre (ERRC)**¹ and **Associazione 21 Luglio**² (Submitting Organisations) submit this parallel report to the United Nations Committee on the Rights of the Child (the Committee or CRC) commenting on the Third and Fourth Consolidated Report of Italy, submitted with particular reference to articles 2, 18, 19, 23, 27, 28 and 29 of the United Nations Convention on the Rights of the Child (the Convention). This submission highlights the particular situation of Romani children in Italy, related to questions raised by the Committee in the List of Issues to be addressed during Italy's upcoming review, including child protection (Part I, paragraphs 7 and 12), access to and completion of quality education (Part I, paragraph 13) and data, disaggregated by ethnicity and other factors (Part III).³
2. This report examines:
 - The impact of substandard housing conditions on the health and education of Romani children in Italy;
 - The serious and negative impact forced evictions have on Romani children, specifically in light of the right to family life and the right to education;
 - The over-representation of Romani children in the state's child protection system, based on discriminatory treatment; and
 - Child marriages, which also pose an obstacle to education and put girls in a particularly vulnerable situation, at greater risk of being unable to escape domestic violence or other problems.
3. The current submission does not aim to provide a comprehensive account of the situation of Romani children in Italy, but represents the topics on which the Submitting Organisations have recently undertaken research and the regions in which their work has focused. The Submitting Organisations have conducted research, including field visits and monitoring, on the housing conditions of Roma in Italy, particularly with respect to forced evictions.⁴ Associazione 21 Luglio, as a children's rights organisation, is particularly focused on the situation of Romani children, with extensive experience working on the issues facing Romani children in camps. The ERRC is currently finalising research on Romani children in child protection⁵ and recently completed field research in Milan and Rome for a submission to the Committee on the Elimination of Discrimination Against Women.⁶

¹ The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Information about the European Roma Rights Centre is available at: <http://www.errc.org>.

² Associazione 21 Luglio is an organisation established to promote and defend the rights of children in general, and those of Roma children living in Italy in particular. The mission of the organisation is: safeguarding Roma children, fighting every form of discrimination, building critical awareness regarding the rights of Roma children, promoting campaigns and launching appeals to halt possible violations of Roma children's rights. Information about the Associazione 21 luglio is available at: <http://www.21luglio.com>.

³ Committee on the Rights of the Child, Implementation of the Convention on the Rights of the Child: List of issues concerning additional and updated information related to the third and fourth combined periodic report of ITALY (CRC/C/ITA/3-4), 1 July 2011, available at: <http://www2.ohchr.org/english/bodies/crc/crcs58.htm>.

⁴ ERRC, "Rights Groups Urge International Action to Stop Evictions of Roma in Italy", 5 May 2010, available at: <http://www.errc.org/cikk.php?cikk=3589>. ERRC, osservAzione and Amalipé Romanò, "Submission to UPR on Italy", 8 February 2010, available at: <http://www.errc.org/cikk.php?cikk=3752>.

⁵ ERRC, "Protecting the Rights of Romani Children in the Child Protection System in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia", available at: http://www.errc.org/en-about-us-projects-details.php?article_id=3844. The project, which began in January 2010 and is conducted in partnership with the Bulgarian Helsinki Committee, the Milan Simecka Foundation and osservAzione, aims to identify rights violations and other problems associated with Romani children in State care in Bulgaria, the Czech Republic, Hungary, Italy, Romania and Slovakia. Report forthcoming, initial findings available: ERRC, "Life Sentence: ERRC Research Finds Romani Children Overrepresented in State Care", press release, 30 June 2011, available at: <http://www.errc.org/cikk.php?cikk=3902>.

⁶ ERRC, Idea Roma Onlus and Opera Nomadi Reggio Calabria, *Parallel Submission to the Committee on the Elimination of all Forms of Discrimination Against Women Concerning the Situation of Romani Women in Italy*, June 2011, available at: <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf>. Between February and May 2011, 88 Romani women were interviewed during research conducted with Idea Roma Onlus and Opera Nomadi Reggio Calabria.

THE CONVENTION ON THE RIGHTS OF THE CHILD: PERTINENT ARTICLES TO THE SITUATION OF ROMANI CHILDREN IN ITALY

4. The Submitting Organisations recall the following rights guaranteed in the Convention:⁷

- Article 2: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Article 18 (1): States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. (2) For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
- Article 19: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- Article 24: States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
- Article 27 (1): States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. [...] (3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
- Article 28: States Parties recognize the right of the child to education [...]
- Article 29 (1): States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; [...] (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.

THE IMPACT OF SUBSTANDARD HOUSING CONDITIONS ON ROMANI CHILDREN

5. In recent years, Italian authorities have adopted measures aimed at Roma, in an attempt to respond to the presence of "nomadic settlements" in some big cities. Since May 2008, a "state of emergency in relation to nomad settlements" has been in force and related decrees have given extraordinary powers to specially appointed prefects in Rome, Naples, Milan, Turin and Venice, known as "Commissioners for the construction of all actions necessary to overcome the state of emergency" in the regions of Lazio, Campania, Lombardy, Piedmont and Veneto. These initiatives have provoked strong criticism from international and European institutions, including

⁷ UN General Assembly, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, Convention on the Rights of the Child, entry into force 2 September 1990, in accordance with article 49, available at: <http://www2.ohchr.org/english/law/crc.htm>.

the Commissioner for Human Rights of the Council of Europe,⁸ the European Parliament,⁹ OSCE,¹⁰ the United Nations¹¹ and many NGOs.¹²

6. The continuing misperception that the Roma are a “nomadic” people implies that Romani settlements are not intended for long-term use and leads to the development of “camps”: so-called formal camps are those constructed and authorised by the authorities, while the other settlements in which people live, often without permission but sometimes for many years, are known as informal camps. Municipalities are supposed to ensure that they are built in areas beneficial to the Romani community: “areas that avoid urban marginalisation; those which facilitate access to education, health and social services; those which encourage the participation of the inhabitants of such settlements in the area’s social life.”¹³ Regional laws also require municipalities to provide basic utilities for the camps, including fencing, electricity, clean water, waste disposal and playgrounds. However, these conditions are frequently not met by the municipalities that construct camps, and the living conditions provided for Roma are often inadequate and even harmful to the well-being of Romani children. The Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, stated that although children are guaranteed the right to education and can formally access schools in Italy, it is questionable whether or not they are even able to enjoy a quality education because they live in such poor conditions in camps and face problems with documents and registration, which represent obstacles to contacting school authorities.¹⁴
7. After her visit to a Romani camp in March 2010, Navi Pillay, the UN High Commissioner for Human Rights, said “transferring Roma people from illegal camps to official ones is not an adequate solution, because they remain isolated from the rest of the population and have very little opportunity to find work and improve their situation.”¹⁵ Policies promoted by local authorities, especially in Rome and Milan after the implementation of the “nomad plan”, have institutionalised discrimination, not allowing children belonging to Romani communities to interact positively with the majority population, impacting on education and health.
8. The conditions in Romani settlements can be hazardous to a child’s health: they are frequently inadequate and even dangerous. A prime example of such a harmful environment is the formal camp via Salone, Rome, where the 1076 residents of the camp have been provided with only 198 containers, that each have only two rooms and must provide shelter for as many as nine people.¹⁶

⁸ Council of Europe, Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 13-15 January 2009, Strasbourg, 16 April, 2009. Council of Europe, Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Council of Europe, CommDH(2008)18, Strasbourg, 28 July 2008.

⁹ European Parliament resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy, 2008/0361, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0361&language=EN>.

¹⁰ OSCE, *Assessment of the Human Rights Situation of Roma and Sinti in Italy: Report of a Fact-finding Mission to Milan, Naples and Rome on 20-26 July 2008*, Warsaw and The Hague, March 2009, available at: <http://www.osce.org/odihr/36374>.

¹¹ UN News Service, “Discrimination against Roma in Italy worries UN rights experts”, press release, 15 July 2008, available at: <http://www.unhcr.org/refworld/docid/4889a8951e.html>.

¹² European Roma Rights Centre, Open Society Institute, OsservAzione, *Memorandum to the European Commission*, May 2009, available at: <http://www.errc.org/cms/upload/media/03/D5/m000003D5.pdf> and Associazione 21 Luglio *Esclusi e ammassati*, Report on the living condition of Roma minors in the camp in via di Salone, Roma, 2010, available at: http://www.21luglio.com/ESCLUSI%20E_AMMASSATI.pdf.

¹³ Udo C. Enwereuzor and Laura Di Pasquale, *Thematic Study Housing Conditions of Roma and Travellers* (COSPE RAXEN NFP Italy, March 2009), available at http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Italy_en.pdf (27/06/2011)

¹⁴ Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, *Memorandum*, 28 July 2008, available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FE C65B&B>.

¹⁵ “The UNHCHR asks Italy to put a stop to its persecutory policies against migrants and Roma”, *Everyone Group*, 13 March 2010, available at: http://www.everyonegroup.com/Everyone/MainPage/Entries/2010/3/13_The_UNHC_asks_Italy_to_put_a_stop_to_its_persecutory_policies_against_migrants_and_Roma.html.

¹⁶ Associazione 21 Luglio, *Report on the living condition of Roma minors in the camp in Via Salone, Roma*, 2010, available at: http://www.21luglio.com/ESCLUSI%20E_AMMASSATI.pdf.

Some teenagers in this camp are unable to attend school, because transportation is only provided for children in compulsory education, up to age 16.¹⁷ Research studies conducted in camps like this one have revealed that a high percentage of children raised in such deprived “nomad camp” environments are prone to a number of severe and debilitating conditions. These can include anxiety disorders, a number of different phobias, sleep disorders, attention and hyperactivity disorders and delays in learning, disorders which “are also predictive of more serious disorders in adolescence and adulthood.”¹⁸

9. Romani women interviewed in March 2011 by the ERRC reported that the families living in camps face poor hygienic conditions, a lack of personal space and intra-group tension between Roma of different nationalities. In addition to being an unhealthy and hazardous environment, particularly for children, Romani women noted that it was a difficult place to live that did not permit concentration for studying. One female Romani researcher reported her personal experiences:

I grew up in a camp in Rome and I still live there. I completed high school with many difficulties as we live with discrimination every day. I was the first Romani girl among those who live in camps to get a degree. Where I live I was never able to concentrate, due to an incredibly noisy environment and the absence of private space. I felt different from both my classmates and my relatives.¹⁹

OBSTACLES TO RESIDENCY AND HEALTHCARE

10. Italy lacks national legislation guaranteeing the right to shelter for Italians and foreigners alike, leaving housing and residency policies to be determined in a decentralised manner, often disregarding the broad national guidelines. Romani children in Italy are protected by regional laws on cultural protection, “but not concerning their living conditions and the quality of accommodation their families can afford.”²⁰ Thus, many municipalities build camps in remote locations, which pose a barrier to a Romani child’s access to education.²¹
11. Many Romani families are unable to obtain residence cards. The obstacles that Romani families face in seeking residency are exacerbated because employment is a prerequisite for registering residency in Milan. This presents a vicious circle of exclusion, as employers are often unwilling to hire non-residents. Authorisation for employment by the Prefecture is also sometimes required for residency, and the process can take up to six months.²²
12. In Milan, matriculation into the kindergartens run by the municipality is available to residents of the municipality only; as such, many Romani children are ineligible to attend kindergarten. Romani children often find themselves unable to access the additional education benefits provided to Milanese residents, such as free books and transportation. These costs are much higher for non-residents, as are lunches in the school canteen, for which non-residents pay the highest prices. Furthermore, disabled children without residency status are not able to exercise their right to special assistance.²³

¹⁷ European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

¹⁸ Interview with the medical coordinator of the project *Management of formal camps* in the V department of the Municipality of Rome, 27 August 2010 in Associazione 21 Luglio *Esclusi e ammassati* Report on the living condition of Roma minors in the camp in Via Salone, Roma, 2010, available at: http://www.21luglio.com/ESCLUSI%20E_AMMASSATI.pdf.

¹⁹ Field researcher notes: February 2011. ERRC, Idea Rom Onlus, Opera, *Parellel Submission to the Committee on the Elimination of all Forms of Discrimination Against Women on Italy*, June 2011, available at: http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3908.

²⁰ Udo C. Enwereuzor and Laura Di Pasquale, *Thematic Study Housing Conditions of Roma and Travellers* (COSPE RAXEN NFP Italy, March 2009), available at: http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Italy_en.pdf.

²¹ Udo C. Enwereuzor and Laura Di Pasquale, *Thematic Study Housing Conditions of Roma and Travellers* (COSPE RAXEN NFP Italy, March 2009), available at: http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Italy_en.pdf.

²² European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011 on file with the ERRC.

²³ European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011 on file with the ERRC.

13. The refusal of the Municipality of Milan to acknowledge and comply with the national Consolidation Act on Immigration²⁴ results in many Roma not having health cards, preventing them from obtaining official health assistance. In 2009, the OSCE High Commissioner on National Minorities expressed concern with “the lack of adequate health-care services in many settlements and the lack of access to adequate education for Roma and Sinti children.”²⁵

FORCED EVICTIONS

14. Roma in Italy, particularly those living in informal settlements, are the targets of forced evictions. According to ERRC monitoring, there were at least 189 evictions in Milan between May 2010 and May 2011.²⁶ Evictions from both formal and informal camps constitute a major problem for the mental and physical well-being of Romani children. Close monitoring of evictions in Milan shows, particularly with informal camps, that evictions are excessively traumatic and that families are subjected to repeated evictions. Families are given little or no advance warning of evictions, making it difficult or impossible to pack and remove all their personal belongings before a camp is demolished. Evictions typically take place in the early hours of the morning, whilst children are still sleeping. Many eviction operations are attended by police personnel who outnumber the evictees. During the evictions of some of the larger illegal camps in Milan, local policemen have threatened to remove children from the custody of their parents in order to speed the process of the forced eviction along.²⁷ Additionally, families subjected to forced evictions frequently are not offered alternative housing options, as required by international law.²⁸ In some cases, authorities offer accommodation to women and children in temporary shelters, but do not provide an option that allows families to stay together. The conditions in shelters may also prove hazardous to the health of the child.²⁹
15. The practice of forced evictions from informal settlements has increased in recent months in Rome, according to the Mayor of Rome, Gianni Alemanno. He reported that between March and May 2011, 154 evictions were recorded involving about 1,800 persons belonging to Romani communities.³⁰ Monitoring throughout 2010 and 2011 by Association 21 Luglio in Rome reveals several recurring concerns, similar to those in Milan: no official written communication of the eviction is given to Romani families; there is arbitrary destruction of housing and other personal property; and there is an absence of alternative accommodation arrangements for many of those affected. In the cases where alternative accommodation was proposed, it was not adequate, for example, temporary shelters for only women/children. Forced evictions also increase concerns about safety, as Romani families evicted are forced to arrange temporary wooden shacks in which to live. In August 2010, a three-year-old child lost his life in a fire that broke out in such a

²⁴ Although the law guarantees basic healthcare to everyone in Italy, a representative of NAGA reported to the ERRC that the municipality does not properly implement the Consolidation Act on Immigration; they incorrectly classify Romanian Roma as non-EU nationals rather than EU citizens without health insurance. European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011. Legislative Decree of 25 July 1998, n. 286 "Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero" (Consolidation Act on Immigration).

²⁵ Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, *Memorandum*, 28 July 2008, available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FE C65B&B>.

²⁶ ERRC, *Milan Update: Roma Rights Record 2010/2011*, May 2011, on file with the ERRC. According to ERRC monitoring of media and information from NGOs, which has been focused primarily on Milan and Rome; this should be considered comprehensive or nationally representative data.

²⁷ European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

²⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The right to adequate housing (Art. 11.1): forced evictions*, 20 May 1997, E/1998/22, available at: <http://www.unhcr.org/refworld/docid/47a70799d.html>.

²⁹ ERRC, *Milan Update: Roma Rights Record 2010/2011*, May 2011, on file with the ERRC.

³⁰ Gianni Alemanno, Mayor of Rome, *Il Blog di Alemanno 2.0*, 11 June 2011, available at: <http://duepuntozero.alemanno.it/2011/06/10/nuova-identita-visiva-della-polizia-municipale.html>; “Proseguono gli sgomberi ma chi va a scuola non si tocca”, *Il Messaggero*, 12 June 2011, available at: <http://194.177.96.73/cliente67/DatiWeb/PdfSingoli/83044.pdf>.

home.³¹ Another case, on 6 February 2011, involved four Romani brothers aged 4-11, who died during a fire in the barracks in which the family was living.³²

16. Recent examples of forced evictions in Milan and Rome provide graphic images of the challenges children face, in particular to their right to a home and their right to education. On 21 June 2011, the via Marchetti Roma camp was closed in accordance with the “nomad plan” of Rome; 24 homes of the camp’s 67 inhabitants were demolished. During the 30 June 2011 evacuation of an illegal camp in Legnano, Milan, from the 54 camp residents, all of those over the age of 14, including minors, were charged with unlawful occupation of land.³³ According to recent ERRC field research in May and June 2011, a number of evictions of the Romanian Romani community at the Rubattino camp in Milan have taken place since their arrival at the camp in 2007. They were evicted on 29 January 2008, but returned to the camp, where children began to attend school. A local charitable organisation, the Comunità di Sant’Egidio, as well as mothers and teachers in the camp, asked the municipality to halt the eviction in order to ensure attendance at school for Romani children. Nonetheless, another eviction took place on 19 November 2009 during which over 40 women and children went to a shelter provided by the Municipality of Milan, while others were forced to find shelter elsewhere. Children over the age of six were hosted at a different shelter. The effects of these removals on the education of the children, in particular, could prove highly detrimental. A teacher in the camp indicated that the Rubattino evictions and the resulting disruption of education could have consequences, such as illiteracy. “It is a tool of racial segregation, ethnic cleansing because children have to wait for months in order to be enrolled in another school.”³⁴ The camp was finally evicted on 7 September 2010, and women and children were sent to a shelter sponsored by the Municipality for several months before moving on to the street again.³⁵

CHILD PROTECTION

17. During some of these evictions, the Councillor for Social Policies, Sveva Belviso, repeatedly threatened Romani women that she would apply article 403 of the Italian Penal Code, which provides the removal of the children by social services if children show signs of abuse.³⁶
18. Romani children are over-represented in the Italian child protection system, an issue intrinsically linked to the problems of adequate housing and education. According to a recent multi-country study conducted by the ERRC, in Italy, migrant Romani children accounted for around 20% of the children in the institutions visited.³⁷ The research found widely held misperceptions, including that Romani families cannot adequately care for their children because of a lack of education, poor living conditions, alleged unemployment and criminal behaviour. The lack of uniform national policy creates differing standards across the country for child protection. When Romani children are taken from their parents due to discriminatory treatment, parents often cannot reach an authority with proper oversight to recognise an institutional problem. According to ERRC research, Romani children can be removed from their parents almost without explanation. One Romani man from the former Yugoslavia reported that:

A social worker arrived one day at the camp, accompanied by police officers of the immigration office and by traffic policemen, ordering me to bring one of my youngest sons

³¹“Rogo in un campo rom: morto bimbo di 3 anni Sindaco: 'Grave lutto'”, *Il Giornale*, 28 August 2010, available at: http://www.ilgiornale.it/roma/rogo_campo_rom_morto_bimbo_3_anni_sindaco_grave_lutto/cronaca-cronaca_roma-rom-zimgari-campo_nomadi-incendio-vittime/28-08-2010/articolo-id=469516-page=0-comments=1

³² ERRC, “ERRC Calls on Rome Authorities to Halt Practice of Forced Evictions”, 8 February 2011, available at: <http://www.errc.org/cikk.php?cikk=3810>. Associazione 21 luglio, *Press release 6 February 2011*, available at www.21luglio.com.

³³ “Nomadi: sgomberati quattro campi abusivi a Legnano”, ANSA, 30 June 2011, available at: http://www.ansa.it/web/notizie/regioni/lombardia/2011/06/30/visualizza_new.html_811035434.html

³⁴ Interview with a teacher working in a Romani camp. Milan, Italy: 24 May 2011. European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

³⁵ European Roma Rights Centre, Milan and Rome Field Report, 23 May – 2 June 2011.

³⁶ Associazione 21 luglio, *Letter to the councillor for Social Policies of Roma Capitale Sveva Belviso*, 23 June 2011, available at www.21luglio.com.

³⁷. Report forthcoming, initial findings available: ERRC, “Life Sentence: ERRC Research Finds Romani Children Overrepresented in State Care”, press release, 30 June 2011, available at: <http://www.errc.org/cikk.php?cikk=3902>.

to the hospital for a visit. Then, the child was placed in a family-based centre without any explanation being provided to the family. After one week, I received some document informing that the child was found dirty and abandoned. After another week, they [the social worker and police officials] arrived for the seven-day old son, so I took the baby and tried to flee. Policemen and Carabinieri arrived from the neighbourhoods, taking the child away.”³⁸

19. In addition to the overrepresentation of Roma in state care, Romani children who find themselves in the system often have difficulty adjusting because of inadequate numbers of social and cultural mediators. Child service workers may lack expertise with Roma, making it more difficult for Romani children to adjust to life away from their families and contributing to attempts by Romani children to run away from care centres back to camps.³⁹ In some cases, Romani children may find themselves uncomfortable with the care provided by certain centres, for example religiously-affiliated centres. One 15-year-old Romanian girl who left her family because of mistreatment by her parents was placed in a number of institutions, predominantly Catholic, and subsequently fled from one centre to the next because she was an atheist and did not want to attend religious services.⁴⁰ The access to education of Romani children in the child protection system may be threatened by the attitudes and prejudices of social workers. As one social worker told field researchers, “Romani culture is not suitable for learning” and Romani children do not have a natural propensity for education because it “is not a matter of intelligence, it is lacking in their DNA.”⁴¹ Such discriminatory stereotypes also make it difficult for Romani children to find placement with a foster family, and often leads to their running away from child protection centres. The problems in the Italian child protection system of discrimination, a lack of understanding of Romani culture and access to education must be addressed.

CHILD MARRIAGES

20. Child or early marriages pose a serious threat to the well-being of Romani children in Italy,⁴² and in many cases expose them to violence and domestic abuse.⁴³ According to the CEDAW’s General Recommendation No. 21, Equality in Marriage and Family Relations, “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify age for marriage.” CEDAW’s General Recommendation No. 19 further states: “when minors, particularly girls, marry and have children, their education is impeded. As a result their economic autonomy is restricted.” Marriage is also forbidden under Article 84 of the Italian Civil Code for all persons under the age of 18, except in exceptional circumstances.
21. However, the authorities frequently overlook the appeals for help by Romani activists about the plight of Romani girls. Authorities in Italy and elsewhere often regard early marriage among Roma as culturally determined and do not act to end this harmful practice. Early marriages can leave married Romani girls subject to violence from their husbands that goes effectively unpunished, as they fear the treatment of the authorities. As one 16-year-old Romani girl recounted in an interview, “I was 8-months pregnant and [my husband] beat me up. He was drunk and did not take me to the hospital fearing the police [...] I reported him in 2008, in 2009 and in 2010. To this day he tortures me. I was buying a packet of cigarettes when I ran into him and he spat in my face. I went to the police but they did not do anything, once again, they only tell him to leave me in

³⁸ Interview with a 38-year-old Romani man. Rome: 25 June 2010.

³⁹ ERRC, *Life Sentence: ERRC Research Finds Romani Children Overrepresented in State Care: Country Report on Italy*, 2011 [forthcoming].

⁴⁰ Interview with a Romani minor in a family-based centre in Rome. Rome: 8 July 2010.

⁴¹ Interview with a social operator of a family-based centre in Rome. Rome: 9 July 2010.

⁴² According to anecdotal evidence, early marriages in Romani communities disproportionately impact Romani girls, but there is a lack of sufficient data to describe the extent of the problem, or to determine the impact on boys. The following section focuses on the outcomes of research which explored the experiences of Romani women and girls. ERRC, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe*, 15 November 2006, available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

⁴³ ERRC, Idea Rom Onlus, Opera, *Parallel Submission to the Committee on the Elimination of all Forms of Discrimination Against Women on Italy*, June 2011, available at: http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3908.

peace, without taking any measures.”⁴⁴ Often their families are unable or unwilling to effectively help the victims, and in some cases, the abuse may begin at home:

I grew up with my grandmother as my mother left my father because he was too violent with her. I was forced to marry when I was 12 and my virginity was checked. After 3 days I ran away. When I was 15 I married again and got pregnant. For 12 years I lived as a slave and forgot what life was. I could not talk with anyone and my husband never stayed close to me, even when my children were sick. My husband was always drunk, took drugs and used to beat me up, breaking my arms and legs several times; even when I was pregnant. Because of this, I lost a baby. I was always alone to face everything. I asked for help from social services and an office for immigrants and Roma.⁴⁵

22. It must be noted that “many Romani women who suffer domestic violence do not seek help from competent institutions fearing State intervention against them due to their unregistered marriage, age, legal status, living conditions and ethnic discrimination.”⁴⁶ As one Romani woman told interviewers, “I did not report because I was minor and did not know where to go. I thought that the law would prefer to leave my child with a crazy man than with the mother.”⁴⁷ Another woman stated, “I got married at 16 years of age; I do not want my children to do the same. For example, if at 13 you have to breastfeed a child when you yourself are a child and need to be thought of and followed by your mother. Traditions are fine except for this marriage issue.”⁴⁸
23. During ERRC research in March 2011, 48 Romani women answered questions about the practice of virginity testing, which occurs in some traditional communities often linked to early marriage.⁴⁹ Among this group, 65% reported that they had been tested for virginity at marriage. They reported that Romani women who “fail” virginity tests may face consequences including: scolding, return to their family or a similar shame, verbal abuse, infidelity from their husband, disrespect from the groom’s family or ostracism from the community.⁵⁰
24. Early marriages and the practices that accompany them, such as virginity testing, not only challenge the health and dignity of the children involved, but in many cases pose a barrier to the education of young women. One Romani girl explained that the consequences of her early marriage shamed her too greatly for her to attend school: “I attended school until the second year at a secondary school for social workers. Then I got pregnant. I was ashamed to go to school with my belly and be seen by my Italian friends. I felt different.”⁵¹ The authorities must be made aware that the practice of early marriage is not acceptable in any capacity, cultural or otherwise, and cannot be ignored when it is reported.

RECOMMENDATIONS

In order to fully implement the Convention on the Rights of the Child the Italian government should, without further delay:

25. Undertake the following measures with respect to housing and forced evictions:

⁴⁴ Interview with a 20-year-old migrant Romani woman. Reggio Calabria, Italy: 22 March 2011.

⁴⁵ Interview with a 34-year-old Romani woman. Turin, Italy: 10 March 2011

⁴⁶ ERRC, Idea Rom Onlus, Opera, *Parallel Submission to the Committee on the Elimination of all Forms of Discrimination Against Women on Italy*, June 2011, available at: http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3908.

⁴⁷ Interview with a 36-year-old Italian Romani. Reggio Calabria, Italy: 8 April 2011.

⁴⁸ Interview with a 30-year-old Romani woman. Turin, Italy: 22 April 2011.

⁴⁹ Virginity testing is the practice of observing or even breaking the girl’s hymen in order to prove the girls virginity. The harmful effects that virginity testing has on the health of the young brides has been denounced by a number of Romani women’s NGOs and activists. European Roma Rights Centre, *Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe* (November 2006), available at: <http://www.errc.org/cms/upload/media/02/BA/m000002BA.pdf>.

⁵⁰ ERRC, Idea Rom Onlus, Opera, *Parallel Submission to the Committee on the Elimination of all Forms of Discrimination Against Women on Italy*, June 2011, available at: http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3908.

⁵¹ Interview with a 30-year-old Romani woman. Rome, Italy: 3 March 2011.

- Improve housing conditions and end forced evictions as factors which negatively influence all aspects of the lives of Romani families, and particularly pose obstacles to the education and health of Romani children.

26. Undertake the following measures with respect to child protection:

- Amend domestic legal standards to provide full and adequate protection to Romani children and families at risk of separation, including:
 - a. Define child endangerment in Italian law;
 - b. Create a legal obligation to regularly collect data disaggregated by ethnicity and other relevant factors in the area of child protection;
 - c. Provide free legal support to families at risk of child removal, especially Romani families endangered by discrimination and social exclusion;
- Adopt a national child protection policy and specific implementation plan with targeted measures for national and migrant Roma. All national policies should be reviewed for specific objectives, benchmarks and indicators, targeted programme plans, and monitoring and evaluation systems for assessing the impact of policies on Roma;
- Annually collect comparable data disaggregated by ethnicity, gender, disability and other relevant factors, in the areas of child protection, education, housing, employment and health care, with appropriate measures to protect the personal data of children and families;
- Develop measures and target funding to support families who are unable to provide their children with adequate conditions and prevent the removal of their children on material grounds. Review child protection policy with anti-poverty policies with a view to identifying any gaps and programming needs; and
- Oblige and adequately finance social work and child protection authorities to implement programmes for prevention of separation and for the return of children in State care to their families.

27. Undertake the following measures with respect to child marriages:

- Conduct educational campaigns targeting Romani women and girls about the negative effects of forced and early marriages; and
- Conduct targeted campaigns encouraging Romani women and girls to report experiences of violence by State and non-State actors, including domestic violence, to relevant authorities and to use available victim protection services.