



Office for Democratic Institutions and Human Rights

High Commissioner on National Minorities

**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

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The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE High Commissioner on National Minorities (HCNM) would like to express their appreciation to the Italian authorities, in particular to the Ministry of Interior for its efficient help in organizing the field visit. All meetings requested by the OSCE delegation with the relevant authorities were arranged, and the discussions were fruitful. During the field visit, the delegation was able to get acquainted with the situation of Roma and Sinti in Italy, as well as with the measures taken by local authorities towards existing challenges. The delegation met with a large number of Roma and Sinti individuals living in authorized or unauthorized settlements or camps. Furthermore, the delegation is grateful to a number of Italian civil society organizations for their help in organizing the visit, as well as for their insights and observations.

INTRODUCTION

In November 2007, the killing of an Italian woman, allegedly by a Romanian Roma, brought to the surface of Italian society tensions that had been simmering for some time. A series of attacks on Roma followed, culminating in a mob burning down a Roma settlement in Ponticelli (on the outskirts of Naples) in May 2008 after a young Roma woman living in the settlement was accused of kidnapping a baby from a local couple. These events and the response by the Italian government – the introduction of a number of measures affecting specifically the Roma and Sinti¹ population in Italy – raised concern among international human-rights organizations and Italian civil society.

In response, ODIHR monitored the situation closely² and later sent a delegation to visit Italy in co-operation with the OSCE High Commissioner on National Minorities. The delegation was joined by representatives of the Council of Europe’s Commissioner for Human Rights, the Italian National Office against Racial Discrimination (UNAR), and an Italian non-governmental organization. During the last two days of the visit, which took place from 20 to 26 July 2008, the delegation was joined by the Personal Representative of the OSCE Chairman-in-Office on Combating Racism, Xenophobia and Discrimination.

This report provides an overview of the delegation’s findings, based on first-hand information gathered through meetings with relevant Italian authorities and through discussions with Roma and Sinti living in the settlements visited by the delegation. The report also reflects other information made available to the delegation by the Italian authorities at the time of the visit. The report’s final chapter includes information on initiatives undertaken by the authorities to address the situation of Roma and Sinti in Italy. Most of these initiatives were still at a planning phase during the visit.

Basis for the Visit

The mandate for the field visit stems from the tasking given by the Action Plan on Improving the Situation of Roma and Sinti in OSCE Area adopted by the OSCE Ministerial Council in Maastricht in 2003. Chapter IX of the Action Plan describes the proactive role of the Contact Point in analyzing measures taken by participating States. Chapter X outlines ODIHR’s mandate to review and assess the implementation of the Action Plan, the main goal of which is to reinforce participating States’ efforts aimed at “ensuring that Roma and Sinti are able to play a full and equal part in societies and eradicating discrimination against them”.

The objectives of the visit were:

¹ In line with OSCE practice, this report uses the term “Roma and Sinti” to describe the population that in official Italian documents are commonly referred to “nomadi”, or nomads. This population consists of several subgroups, chief among them the Roma, often migrants from Romania and the western Balkans, and the Sinti, most of whom have settled in Italy for a long time.

² “OSCE human rights body concerned about anti-Roma violence in Italy”, ODIHR press release, 16 May 2008, <<http://www.osce.org/item/31147.html>>.

- a) to review the current situation and recent developments with regard to Roma and Sinti in Italy, including both Italian citizens and migrants, with a special focus on Roma from Romania;
- b) to assess the policies and measures undertaken by the authorities to address problems faced by Roma and Sinti communities in Italy; and
- c) to recommend ways to assist national, regional, and local authorities in providing effective protection of the human rights of Roma and Sinti and promoting their integration.

The delegation visited Milan, Naples and Rome, and met with the relevant regional and local authorities; with Roma and Sinti living in authorized or unauthorized camps; with officials from several ministries, including the Ministry of Interior and the Ministry of Labour, Health and Social Policies; the Department of Equal Opportunities of the Presidency of the Council of Ministers; and with officials from UNAR. The delegation consulted with a number of representatives from Italy's Roma and Sinti community and civil society organizations.

EXECUTIVE SUMMARY

A series of events – beginning with the killing of an Italian woman in Rome by a Romanian Roma in November 2007 and culminating in the destruction of a Roma settlement in Ponticelli (on the outskirts of Naples) in May 2008 at the hands of a local mob – made news headlines around the world and raised concerns among international organizations and civil society. In response to what was widely portrayed as a public security crisis caused by an allegedly growing influx of migrants, in particular of Roma, the authorities declared state of emergency³ in the regions of Campania, Lazio and Lombardia, and introduced a number of measures to deal with the perceived crisis.

A delegation led by experts from the OSCE Office for Democratic Institutions and Human Rights and the OSCE High Commissioner on National Minorities visited Italy in July 2008 with the objective of assessing both the incidents of violence and the policy measures undertaken by the Italian authorities. The delegation visited the municipalities of Milan, Naples, and Rome and met with relevant stakeholders involved: the authorities, civil society and Roma and Sinti (who were either Italian citizens, or Roma from the western Balkans or Romania).

The report consists of two main parts: a background section, and a section with the field visit's main findings. The former provides some basic data and describes the situation of Roma and Sinti in Italy, including the migration of Roma from South-Eastern Europe. The latter elaborates on and analyses the delegation's observations and findings during the visit. Recommendations are outlined in a separate chapter. Two important questions facing the delegation were: (i) did the policy measures undertaken by the government and the authorities constitute an adequate and proportional response to the issues to which the increased presence of Romanian Roma allegedly gave rise, and (ii) did these measures infringe the human rights of Roma and Sinti in Italy?

Italy has increasingly become a destination for immigrants in recent decades. Significant numbers of migrants have arrived from South-Eastern Europe, especially from the western Balkans and later Romania. Subsequent migration waves also involved Roma from this region, albeit in relatively small numbers. An increase in the migration of Romanian Roma took place after 2000, and especially after Romania's accession to the EU in January 2007.

Although they do not have a large presence in Italy, Romanian Roma migrants have attracted considerable public attention and negative media coverage. This is due to their high visibility, as they have come in larger groups, often with extended families, and in

³ "Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunità nomadi nel territorio delle regioni Campania, Lazio e Lombardia" (Declaration of a state of emergency in relation to settlements of nomad communities in the territory of the regions of Campania, Lazio and Lombardy), decree by the President of the Council of Ministers of 21 May 2008. The decree is available at:

http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0979_2008_05_27_decreto_21_maggio_2008.html?back=%2Ftools%2Fsearch%2Findex.html%3Faction%3Dsearch%26matchesPerPage%3D10%26displayPages. – According to the Italian authorities, the declaration of the state of emergency measure was aimed at making available exceptional human and financial resources in the context of civil protection in an emergency situation and would not constitute any limitation to the fundamental rights of citizens or migrants. Comments provided by the Permanent Mission of Italy to the OSCE, 30 January 2009.

many cases illegally occupied lands or buildings. Informal or illegal camps or settlements in Italy have been increasingly identified with Romanian Roma, and largely sensationalized by the media. It should be noted that these kinds of settlements or camps existed in the past and had been tolerated by local authorities to some degree. However, in the case of Romanian Roma, authorities often resorted to deportations prior to Romania's accession to the EU in 2007.

The growing number of illegal camps or settlements, coupled with some media and politicians highlighting crimes allegedly committed by Roma in an often inflammatory way, contributed to the reviving of old anti-Roma prejudices and stereotypes. The presence of Roma camps increasingly became a source of local tensions that eventually led to authorities deciding to evict the inhabitants of such encampments before totally dismantling them. It also led to the adoption of emergency decrees and ordinances. An additional justification often cited was the increasingly frequent sight of Roma children begging in the streets and the presence of unaccompanied Roma minors. All of this has sewn the seeds for outbursts of violence against Roma, as happened in Ponticelli.

Since May 2008, a number of government decisions have been issued concerning the Roma and Sinti communities, or “nomads”, as they are commonly referred to in Italy. On 21 May, the Prime Minister issued a decree declaring a “state of emergency” in relation to settlements of “nomad” communities in the regions of Campania, Lazio and Lombardia.⁴ Following this decree, on 30 May, the Prime Minister adopted three “ordinances” (*ordinanze*)⁵ introducing special and exceptional measures concerning “nomad settlements” in the regions of Campania, Lazio and Lombardia. The ordinances appointed the prefects of Rome, Milan and Naples as “delegated commissioners” empowered to “realize all the interventions needed to overcome the state of emergency” declared in the Prime Minister's decree.

Following the issuing of the ordinances, the authorities initiated census or identification exercises in several “nomad” settlements. These measures were justified as being necessary to provide support to individuals in camps and to prevent further degradation of their living conditions, as well as to identify people involved in criminal activities. With regard to minors involved in begging and stealing, the stated aim was to identify them and those forcing them into criminal activities. Once such data are collected, the plan was to dismantle criminal networks, put a stop to exploitation of children, assist children with their school registration, and provide them with adequate health care.

However, the fingerprinting of entire camp or settlement populations, including plans to take fingerprints of minors, and practices such as collecting sensitive data on religion and ethnicity, raised serious concerns that such measures, by singling out one community based on ethnicity, would be discriminatory and contributing to the stigmatization of the Roma and Sinti population⁶.

⁴ Decree by the President of the Council of Ministers, *op. cit.*, note 3, p. 6

⁵ The ordinances include “urgent provisions of civil protection in order to face the state of emergency in relation to settlements of nomad communities” for the regions of Campania (Ordinance No. 3678), Lazio (Ordinance No. 3676), and Lombardia (Ordinance No. 3677). The content of all three ordinances is identical. See, e.g.:

<http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/protezione_civile/0986_2008_06_03_OPCM_30_05_08.html>.

⁶ See, e.g.: “Discrimination against Roma in Italy worries UN rights experts”, UN press release, <<http://www.un.org/apps/news/story.asp?NewsID=27373&Cr=Human>>

The field visit took place once the situation had calmed down, following the heightened attention paid to Roma and Sinti by the media and politicians. No incidents similar to those that occurred in Ponticelli were reported at the time of the visit. The census was temporarily suspended and no reports of evictions reached the field team delegation. At the same time, on 17 July 2008, the Ministry of Interior issued guidelines⁷ for the implementation of the Prime Minister's ordinances. The guidelines, which were adopted after consultations with the European Commission, provide instructions on how the identification and census should be conducted. They exclude the collection of some sensitive data, such as data concerning religion or ethnicity, and establish limitations on the use of fingerprinting, especially with regard to minors.

The delegation acknowledges the need for data collection and for monitoring the situation regarding Roma and Sinti in the mentioned regions and municipalities as it develops, but emphasizes that the collection and use of personal data must be in line with relevant European and other international standards. It considers as a positive step the issuing of the Ministry of Interior's guidelines of 17 July 2008.

However, on the whole, the delegation considers the measures adopted by the government, starting with the declaration of a state of emergency, disproportionate in relation to the actual scale of the security threat related to irregular immigration and the situation the Roma and Sinti settlements. Moreover, the delegation is concerned that the measures taken, by in effect targeting one particular community, namely the Roma or Sinti (or "nomads"), along with often alarmist and inflammatory reporting in the media and statements by well-known and influential political figures, fuelled anti-Roma bias in society at large and contributed to the stigmatization of the Roma and Sinti community in Italy.

The delegation notes that a considerable number of Roma and Sinti have been living in Italy for prolonged periods of time – sometimes for as long as 30 years – without any defined legal status. This applies mostly to Roma from the western Balkans, as non-EU nationals. Their status is complicated by the fact that many of them have no documents proving their identity or place of origin, rendering them *de facto* stateless. Existence in a legal void has particularly negative consequences for Roma children. Even if they were born in Italy and have no real connections to the place of origin of their parents, many of them have no identity documents other than a birth certificate.

The legal status of Romanian Roma differs. After Romania's accession to the EU in January 2007, the Romanian Roma became EU citizens and gained the right to free movement within the European Union. However, many of those who moved to Italy face the challenges of obtaining permits of stay and accessing legal employment.

⁷ "Linee guida del ministero dell' Interno, diffuse il 17 luglio, per l'attuazione delle ordinanze del presidente del consiglio dei ministri del 30 maggio 2008, n. 3676, 3677 e 3678, concernenti insediamenti di comunità nomadi nelle regioni Campania, Lazio e Lombardia", Ministry of Interior, Rome, 17 July 2008, available at: <http://www.interno.it/mininterno/export/sites/default/it/assets/files/15/0095_censimento_campi_nomadi_le_linee_guida.pdf>.

The authorized camps built so far, in addition to a limited number of reception centres, remain the only way the authorities are addressing the housing situation of Roma and Sinti.

In the view of the delegation, the *de facto* residential segregation of Roma and Sinti in camps and settlements is not conducive to their integration into society, and contributes to their further marginalization. Access to public services for persons living in the illegal camps or settlements is restricted. Furthermore, there is a general feeling of insecurity among Roma and Sinti living in such camps, as they fear both forced eviction by the authorities and hostile acts at the hands of the surrounding majority population.

The delegation is concerned about the lack of access to adequate health-care services in many settlements and the lack of access to adequate education for Roma and Sinti children in unauthorized camps. While Italian legislation provides for equal rights for all citizens, including Roma and Sinti, to health care and education, more efforts are needed to ensure that these rights can in fact be exercised by Roma and Sinti.

Authorities have resorted in the past to forced eviction as a way of discouraging other Roma from settling illegally. Evictions were often carried out with no prior notice and no possibility to file an appeal, and involving the full dismantling of the settlement and destruction of inhabitants' personal belongings. In most cases, no alternative accommodation was provided. The practice of forced evictions without procedural safeguards raises questions about compliance with international human rights standards, such as the right to housing.

The delegation welcomes the efforts at the municipal level to transfer Roma from illegal camps to authorized ones and from authorized camps to regular housing (such policies are being implemented in Bologna, for example). In the view of the delegation, such initiatives should be supported and encouraged by the central government, including through the allocation of financial resources.

The delegation notes with concern that the majority of adults living in the settlements do not hold legal employment. Some have short-term jobs, but most of the time without legal contracts. For those who hold residence permits, the difficulty in obtaining jobs is related also to the fact that their documents indicate they live in "nomad camps", or are from areas that are notorious as centres for migrants. In contrast, however, the delegation also notes some positive examples, such as in the Via Candoni camp in Rome, 80 per cent of whose Romanian Roma are working legally. In the view of the delegation, the situation in this particular camp proves that Roma and Sinti can access legal employment and this should be facilitated by authorities and used as a positive practice.⁸

⁸ According to the Italian authorities, several initiatives totalling €3.36 million have been taken to integrate members of Roma and Sinti communities into the labour market, including experimental programmes in Lombardy, Piedmont, Tuscany and Puglia, aimed at labour integration. The programmes include training measures, apprenticeships and mentoring at work aimed at the communities concerned, making use of cultural mediators from their own ranks; and actions to raise awareness at the workplace involving employers, workers and Roma organizations. Comments provided by the Permanent Mission of Italy to the OSCE, 30 January 2009.

At the same time, the delegation welcomes the government's stated aim, as outlined in the Ministry of Interior's guidelines of 17 July 2008, to end the situation of degradation and make conditions liveable for those Roma and Sinti communities living in authorized or illegal settlements by providing humanitarian assistance, improving their access to health-care, education and social assistance. The special emphasis the government places on the importance of protecting the rights of children and ensuring their proper access to schooling and adequate healthcare is commendable.

With regard to the issue of the exploitation of children, the delegation is of the opinion that the government's discourse on this matter should be proportionate to the actual extent of the problem in order not to reinforce existing prejudice and stigmatization. The delegation is concerned about complaints made by Roma parents regarding some cases of removals of children from families through decisions which in their view were unjustified.⁹ Furthermore, parents claim to face difficulties in seeing their children due to lack of means and resources to travel to the places where their children are hosted.

The delegation takes note of and welcomes the efforts of the government, as envisaged in the Ministry of Interior's guidelines of 17 July 2008, to develop a unified policy and approach towards the Roma and Sinti communities in Italy. However, the delegation notes with concern the low level of involvement and representation of Roma and Sinti in direct dialogue and consultations with the authorities. In this regard, it has been also noted that the interests and concerns of the Roma and Sinti communities are often not voiced or represented directly by themselves but rather through intermediaries.

The delegation observed that it appears that the adoption and implementation of co-ordinated action or policy measures to integrate the Roma and Sinti communities is complicated by complex administrative structures and competencies of various levels of governance (consisting of the central government, regions, provinces, municipalities and other bodies).

⁹ According to the Italian authorities, procedures in such cases are based on law 149 of 2001, the primary aim of which is the protection of minors, favouring their rights over the rights of their families. The law makes provision to entrust minors to foster families or family-type communities when the family of origin is not able to provide for the care and upbringing of the child. Juvenile courts decide in cases of disagreement of parents; the possibility of appeal is also given. Comments provided by the Permanent Mission of Italy to the OSCE, on 30 January 2009.

RECOMMENDATIONS

The OSCE's Office for Democratic Institutions and Human Rights and the OSCE High Commissioner on National Minorities recommend that the relevant Italian authorities:

1. Enhance their efforts to implement the provisions of the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, and also review existing policies related to Roma and Sinti with a view to ensuring that they are not discriminatory and that they are in line with the commitments contained in the Action Plan.
2. Intensify their efforts to develop and implement a comprehensive strategy aimed at integrating Roma and Sinti in Italy. ODIHR and the High Commissioner on National Minorities are ready to assist the Italian government in designing and establishing a national programme to this end.
3. Enforce Italy's comprehensive anti-discrimination law in order to ensure equal treatment of Roma and Sinti in all areas outlined by the law and that effective judicial and non-judicial remedies against discrimination be provided.
4. Strengthen the protection of Roma and Sinti in Italy by recognizing them as minority groups. ODIHR and the High Commissioner on National Minorities offer their assistance in this regard.
5. Refrain from using the term "nomad" and, in consultation with the Roma and Sinti community, consider using instead "Roma and Sinti", as worded in the OSCE Action Plan.
6. Urge regional and local authorities to initiate measures to integrate the Roma and Sinti populations by making use of funds from the central, regional, and local levels, as well as from the European Union.
7. Establish a governmental body to co-ordinate the design, implementation, and assessment of policies aimed at the integration of Roma and Sinti communities. There should be adequate and effective representation and participation of Roma and Sinti communities in such a body.
8. Engage in direct dialogue with a variety of representatives of the Roma and Sinti communities to develop programmes and policies targeting Roma and Sinti, and, when necessary, provide support and training to Roma and Sinti civil society groups and communities. It is recommended that institutional frameworks be created for direct dialogue and consultation at all levels, ensuring a wider and more diverse representation and participation of the Roma and Sinti communities.
9. Review measures, laws, and decisions related to states of emergency that target or have a disproportionate effect on Roma and Sinti in order to render these measures in full compliance with international standards of human rights and non-discriminatory practice.
10. Ensure that any census data collected be used solely for the purpose of designing and implementing policies to assist with the integration of Roma and Sinti, and to ensure that this information is collected and protected in accordance with European and other international standards.

11. Provide information to the OSCE about how the results of the census conducted in 2008 by the authorities within the framework of emergency measures will be used to design policies aimed at integrating Roma and Sinti communities.
12. Adhere to national and international standards regarding expulsion, and to ensure that expulsion orders are based on a thorough and objective examination of the situation of the individuals concerned and are subject to effective judicial review.
13. Find a durable solution to the continuing problem of the *de facto* statelessness of Roma from the western Balkans who have been living in Italy in a state of legal uncertainty for many years without any real possibility of returning to their countries of origin. The Italian authorities are furthermore encouraged to consider granting citizenship on humanitarian grounds to Roma children who were born in Italy but lack legal status, and to the families of those children (as well as to abandoned Roma or Sinti children) in order to protect them from exploitation.
14. Exchange information and increase their co-operation with the Romanian government in order to identify and implement measures to integrate Roma and Sinti in both countries, focusing on clarifying their legal status and promoting non-discriminatory access to regular housing, education, health care, and employment.
15. Avoid the practice of forced evictions of Roma and Sinti, and ensure that, when forced evictions do take place, judicial and administrative safeguards are established and respected, and alternative accommodation is provided.
16. Make use of good practices in addressing Roma and Sinti problems in the field of housing. In the interim, people living in unauthorized camps should be offered housing in authorized settlements. In the longer term, however, the practice of camps and reception centres should be discontinued, and regular housing should be provided so that Roma and Sinti communities can integrate with the rest of the society in order to avoid the problems of exclusion, poverty, and dependency.
17. Enhance efforts to ensure that all Roma and Sinti children have access to compulsory quality education in order to build a foundation for their full integration into Italian society. It is furthermore suggested that the authorities provide vocational training for Roma and Sinti along with opportunities for legal access to the labour market.
18. Combat anti-Roma hate speech and other expressions of xenophobia, whether by private individuals or by public officials. Measures should be initiated to prevent the occurrence of such acts, as well as to ensure the security of Roma and Sinti.
19. Investigate all reported cases of violence against Roma and Sinti, paying special attention to possible racial motivations, and ensure that the perpetrators are brought to justice.
20. Develop and implement a national anti-racism campaign in order to improve the public's perception of Roma and Sinti in Italy, particularly by encouraging the media to foster intercultural understanding and fight negative stereotyping by promoting a balanced and more objective portrayal of this community.

BACKGROUND

Presence of Roma in Italy

Although there is no official data, it is estimated that there are some 150,000 Roma and Sinti in Italy. They include Italian citizens, as well as citizens of both EU and non-EU countries.¹⁰

Groups of Roma and Sinti migrated to Italy during different periods, beginning in the 14th century. In the 1980s and 1990s, conflicts in the former Yugoslavia caused Roma to flee to other countries, including Italy. In the 1990s and the first decade of this century, a large number of Roma arrived from the states of Central and Eastern Europe. The most recent influx of Roma and Sinti communities has come mainly from Romania.¹¹ These movements intensified since Romania joined the EU in 2007.

Roma from countries such as Romania migrate to Italy for a variety of reasons, including dire poverty, unemployment, and discrimination in their countries of origin.

The Roma currently living in Italy are not a homogeneous group. They stay for different periods of time. Their legal status varies from person to person. They face a variety of economic circumstances. And they have been integrated into the local community to varying degrees. These differences are often lost in the public's perception of these groups.

The Roma and Sinti are still widely considered by the Italian public to be a nomadic population, even though the majority of them have in fact been settled for a long time. Consequently, many Roma and Sinti have been placed in camps instead of regular housing. This limits their opportunities to integrate, as they often find themselves in remote and isolated areas, and it also prevents access to public services. Roma migrating to Italy from the western Balkans and Romania are facing similar treatment.

Overview of the Situation of Roma and Sinti in Italy

There have been efforts to recognize Italian Roma and Sinti as a minority, but they have not been successful. According to the Italian parliament, Roma and Sinti cannot be given national minority status because they are not linked to a specific part of Italian territory and therefore cannot be recognized as a historic and linguistic minority.¹²

¹⁰ "Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy", European Roma Rights Centre, the Open Society Institute *et al.*, July 2008, p. 7, <<http://www.errc.org/db/03/4C/m0000034C.pdf>>.

¹¹ Julianna Traser, "Who's Afraid of the EU's Latest Enlargement?", European Citizen Action Service, 2008, p. 27, <http://www.libertysecurity.org/IMG/pdf_ECAS_REPORT_free_movement_in_2007.pdf>.

¹² "Third report on Italy", ECRI, 2006, <http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/ITA-CbC-III-2006-19-ENG.pdf>. Art. 2.1 of Law No. 482/1999, based on Art. 6 of the Italian Constitution, recognizes 12 linguistic minorities: the Albanian, Catalan, Germanic, Greek, Slovene, and Croatian minorities, along with "those speaking French, French-Provençal, Friulan, Ladin, Occitan and Sardinian. See also: Ministero dell'Interno, Ufficio centrale per i problemi delle zone di confine e delle minoranze etniche, Primo rapporto sullo stato delle minoranze in Italia, Roma 1994.

The UN Committee on the Elimination of Racial Discrimination recommended¹³ in 2008 that Roma and Sinti be recognized as a national minority. The Council of Europe's Commissioner for Human Rights also called upon the Italian authorities to recognize Roma and Sinti as a minority in July 2008.¹⁴

The situation of Roma and Sinti in Italy has been the subject of various reviews and recommendations by, among others, the European Commission against Racism and Intolerance (ECRI)¹⁵ and the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities.¹⁶ In its second report on Italy, ECRI dealt extensively with the marginalization, disadvantage, and discrimination experienced by Roma and Sinti. It recommended that the Italian authorities take steps to improve the situation in the areas of housing, the issuance of personal documents, education, employment, health, administration of justice, and relations with the police.¹⁷ The Advisory Committee recommended recognizing Roma and Sinti as a national minority.

In its third report, ECRI noted that only limited progress had been achieved in virtually all the fields highlighted in its second report. Furthermore, it noted that there had been no progress towards the establishment of a state policy towards the Roma and Sinti and that there had been no meaningful co-ordination of, or support for, actions taken by regions at the national level.¹⁸

The Council of Europe Committee of Ministers resolution of 14 June 2006 called on Italy to step up efforts at the state level to ensure the legal protection of the Roma, Sinti, and Traveller communities and to enable them to preserve and develop their identity and be provided with adequate living conditions. It also recommended the adoption, in consultation with those concerned, of a comprehensive strategy of integration at the national level, focusing on access to housing, employment, education, and health care.

Interethnic Relations

Two negative trends can be identified in relations between Roma and Sinti in Italy and the majority population in recent years: (1) prejudice against Roma and Sinti has increased, and the public image of Roma and Sinti has deteriorated;¹⁹ and (2) in public

¹³ "Concluding observations", Committee on the Elimination of Racial Discrimination CERD, CERD/C/ITA/CO/15, 16 May 2008, p. 3, <<http://www.unhcr.org/refworld/pdfid/4885cfa1d.pdf>>.

¹⁴ Memorandum by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy on 19-20 June 2008, CommDH(2008)18, Strasbourg, 28 July 2008, par. 47, <<https://wcd.coe.int/ViewDoc.jsp?id=1309811&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>>.

¹⁵ ECRI, *op. cit.*, note 12, p. 13.

¹⁶ "Resolution ResCMN(2006)5 on the implementation of the Framework Convention for the Protection of National Minorities by Italy", Council of Europe, Committee of Ministers, 14 June 2006, <<https://wcd.coe.int/ViewDoc.jsp?id=1011013&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>>.

¹⁷ ECRI, *op. cit.*, note 12, p.13.

¹⁸ *Ibid.*

¹⁹ Camilla Bencini and Sara Cerretelli, "ENAR Shadow Report 2007: Racism in Italy", European Network against Racism, 2008, p. 8: "Opinion polls confirm the increasing hostility towards Roma populations in the country; 8 out of 10 Italians consider them to be 'very' or 'quite unpleasant': a poll by ISPO taken in 2007 outlined not only a profound hostility but also much ignorance about Roma

discourse, a link is increasingly being made between Roma and Sinti migrants, criminality, and threats to public security.

Prejudice against and stereotyping of so-called gypsies, anti-Roma hate speech, and an increase in xenophobic attitudes against Roma and Sinti have all been visible. This resurgence of anti-Roma feelings seems to stem largely from the visible poverty of Roma and Sinti, which is exemplified by street begging, as well as from the numerous crimes allegedly committed by Roma and Sinti.

A number of government officials and politicians have made public statements emphasizing the link between crime and the ethnicity – Roma or Sinti – of the perpetrators. This has contributed to the resentment of the majority population towards these groups. This became especially apparent after a Roma man from Romania was charged with the murder of an Italian woman in Rome.

The media have also played a role in emphasizing the link between a perceived lack of public security and Roma and Sinti migrants. Media coverage has highlighted a number of incidents and crimes involving illegal immigrants, including Roma and Sinti. Negative headlines have contributed to a build-up of popular resentment and have led to increased hostility towards Roma and Sinti.²⁰

This negative public discourse in relation to Roma and Sinti was noted with concern in the resolution on Italy by the Council of Europe Committee of Ministers in 2006.²¹ Similar observations were made by ECRI in its third report in 2006.²²

Measures by the Italian Government

The Italian government has taken several legislative and policy initiatives to address the heightened security concerns of the media and the public. For example, the government of Romano Prodi proposed legislation in October 2007, but the governing coalition failed to agree on the details, and the measure was not adopted. Co-operation with the Romanian government was also sought. Since November 2007, several teams of Romanian police officers, including some of Roma ethnicity, have been sent to co-

populations.” Available at <<http://cms.horus.be/files/99935/MediaArchive/pdf/en/Italy%20-%20SR%202007.pdf>>.

²⁰ “Incident Report: Violent attacks against Roma in the Ponticelli district of Naples, Italy”, Fundamental Rights Agency, 2008, <http://fra.europa.eu/fra/material/pub/ROMA/Incid-Report-Italy-08_en.pdf>; “2008 Hate Crime Survey”, Human Rights First, 2008, <<http://www.humanrightsfirst.org/pdf/FD-081103-hate-crime-survey-2008.pdf>>; “Security a la Italiana”, *op. cit.*, note 10, p.13.

²¹ Council of Europe, *op. cit.*, note 16, p. 14. In its resolution, the Committee of Ministers observed that: “Initiatives to tackle discrimination and negative stereotypes in the media must be stepped up as these problems continue to affect certain minority groups”.

²² ECRI, *op. cit.*, note 12, p. 13: “The use of racist and xenophobic discourse in politics has intensified and targets in particular non-EU citizens, Roma, Sinti and Muslims. Members of these groups have continued to experience prejudice and discrimination across a wide range of areas. Immigration legislation has made the situation of many non-EU citizens more precarious, and its implementation, notably in respect of immigrants without legal status, has resulted in the exposure of these persons to a higher risk of human rights violations”. – According to the Italian authorities, the Ministry of Labour has invested €543,000 in new information activities aimed at integrating immigrants. Comments provided by the Permanent Mission of Italy to the OSCE, 30 January 2009.

operate with the Italian police on dealing with security issues.

In 2007 and 2008, the Ministry of Interior signed a number of security pacts (“patti per la sicurezza”) with local authorities.²³ They include references²⁴ to security issues related to the presence of irregular migrants and “nomads” and problems related to unauthorized camps. The pacts gave prefects various powers, including the power to establish a working group to study “nomadic” groups and the challenges they face.

Some of the pacts make explicit references to Roma and Sinti. For example, the pact for Rome adopted on 29 July 2008 refers to the need to co-ordinate the work of the authorities to overcome the “state of emergency” related to “nomads” in the territory of the region of Lazio (“...è necessario un forte coordinamento fra chi opera per la sicurezza sul territorio e il Commissario delegato per gli interventi necessari a superare lo stato di emergenza nomadi nel territorio della Regione Lazio”). On the other hand, the security pact for Naples and its province of 3 November 2006 makes no explicit reference to the “nomad” community.

The security pact for Milan adopted on 18 May 2007 states that adequate measures should be taken to address problems related to the presence of numerous “nomads” and irregular citizens from non-EU countries who were illegally occupying abandoned buildings.

Parliamentary elections were held in Italy in April 2008. Two of the main issues during the election campaign were security and migration. During the campaign, Roma were often portrayed by politicians as irregular migrants or as criminals, with the suggestion that their mere presence was a security threat. Several political parties running in the elections announced their intention to address these perceived security concerns by prosecuting criminals, closing down irregular settlements, and deporting irregular migrants and “nomads”.

The elections resulted in a new coalition government led by Prime Minister Silvio Berlusconi. Shortly after its installation, the government adopted a security package, with measures aimed at tackling the security-related priorities of its campaign platform, including the declaration, on 21 May, of a state of emergency “concerning the settlements of nomadic communities in the regions of Campania, Lazio and Lombardia”.²⁵ The decree stipulates that the state of emergency is valid until 31 May

²³ These security pacts were part of a policy aimed at enforcing administrative measures to resolve certain security issues in Italian cities. The pacts involve the participation of municipal councils and prefects’ offices, as well as provincial and regional governments. For a complete list of security pacts, see the website of the Interior Ministry,

<http://www.interno.it/mininterno/export/sites/default/it/temi/sicurezza/0999_patti_per_la_sicurezza.html>.

²⁴ See “Il Patto per Roma Sicura”, signed by the prefect of Rome (Carlo Mosca), the mayor of Rome (Gianni Alemanno), the governor of the province of Rome (Nicola Zingaretti), the governor of the region of Lazio (Piero Marrazzo), and the interior minister (Roberto Maroni), 29 July, 2008, p. 2, <http://www.interno.it/mininterno/export/sites/default/it/assets/files/15/0413_patto_roma_sicura_29.07.2008.pdf>; “Patto per Milano Sicura: Patto per la sicurezza urbana fra il Prefetto ed il Sindaco di Milano”, signed by the prefect of Milan (Gian Valerio Lombardi), the mayor of Milan (Letizia Moratti), and the deputy interior minister (Marco Minniti), 18 May 2007, <http://www.interno.it/mininterno/export/sites/default/it/assets/files/13/2007_05_18_Patto_per_Milano_sicura.pdf>.

²⁵ Decree by the President of the Council of Ministers, *op. cit.*, note 3, p. 6.

2009, and is based on Law No. 225 (dated 24 February 1992), which deals with emergency situations arising from severe natural disasters. The decree allocates broad powers to public officials, which were specified in three ordinances²⁶ adopted on 30 May 2008 by the cabinet.

These ordinances appoint the prefects of Milan, Rome, and Naples as delegated commissioners with special emergency powers for the regions of Campania, Lazio and Lombardia. These powers include the right to monitor authorized Roma settlements and to identify unauthorized settlements; to identify people, including minors, living in those settlements and to conduct a census thereof; to adopt measures aimed at evicting people living in irregular settlements; to adopt preliminary measures with respect to the health care and social inclusion of the people living in, or evicted from, those settlements; and to co-ordinate all activities concerning education and employment-related training for the people concerned. In addition, the delegated commissioners are authorized to derogate from a series of administrative laws, including procedural safeguards, with the aim of allowing a more effective and urgent implementation of the ordinances.

Following the adoption of the decree, a census operation, justified as a preliminary operation to prepare the adoption of social measures to improve the living conditions of Roma and Sinti, was conducted in several municipalities starting in June 2008. The operation involved various measures for the identification of Roma, including fingerprinting. These initial measures were widely criticized and denounced as breaching international human rights standards. Authorities suspended²⁷ the census operation until the issuance of guidelines²⁸ by the Ministry of Interior on 17 July on data collection and identification. The guidelines were reviewed by the European Commission.

FINDINGS AND OBSERVATIONS

Legal Status of Roma

The delegation notes that a considerable number of Roma and Sinti have been living in Italy for prolonged periods of time – sometimes for as long as 30 years – without any defined legal status, a situation that renders them *de facto* stateless. This applies mostly to Roma from the western Balkans, as well as to a limited number of Roma from other non-EU countries.

Their status is complicated by the fact that many of them have no documents proving their identity or place of origin. In some cases, it appears that the civil registries in their places of origin were destroyed during the conflicts in the former Yugoslavia. As a result, even in those cases where the authorities intend to deport these people to their place of origin, this is practically impossible, as the concerned individuals are *de facto* stateless.

²⁶ *Op. cit.*, note 5, p. 7.

²⁷ The census was resumed in the autumn and completed on 15 October 2008.

²⁸ Linee guida del ministero dell'Interno, *op. cit.*, note 7, p. 8.

Because of their unclear legal status, these Roma have been in a situation of prolonged legal uncertainty in which they are technically subject to Italian immigration legislation and are constantly threatened with detention and deportation. In practice, however, they cannot leave or be forced to leave Italy due to their lack of documents.

Members of the delegation spoke with several people living in settlements who, because of this situation, had been detained as part of deportation procedures, but who had ultimately been released by the authorities, as deportation proved impossible. At the same time, while deportation to their country of origin is in many cases not feasible, integration into Italian society is also impossible, as their lack of legal status prevents them from taking up legal employment, finding regular housing, or accessing public services.

This existence in a legal void has particularly negative consequences for Roma children. Even if they were born in Italy and have no real connections to the place of origin of their parents, many of them have no identity documents other than a birth certificate.²⁹

Prior to seeking citizenship, a non-citizen must first obtain a permit of stay and then apply to the local municipality for legal residence. Permits of stay are given to foreigners based on proof of a minimum level of income.³⁰ In the case of Roma, this poses a challenge, as most Roma live in camps where they have no job opportunities, a condition that prevents them from obtaining a permit of stay. To apply for citizenship, citizens of another EU country must prove that they have been legally resident in Italy for four years. For people from non-EU countries, a period of 10 years of legal residence is required.

The legal status of Roma from Romania differs from the legal status of Roma from the western Balkans or from other non-EU countries. After Romania's accession to the EU in January 2007, Roma from that country became EU citizens and gained the right to freedom of movement within the European Union.

While many of them face the challenges of obtaining residence permits and legal employment, the delegation did meet with Roma from Romania who have been successful in this regard. In the Via Candoni camp in Rome, for example, approximately 80 per cent of Romanian Roma possess a residence permit and work legally.

The situation in the Scampia camp in Naples, however, is very different. While the Roma inhabitants have been living there for up to 30 years, 70 per cent of them do not have a residence permit or identification documents, even though some of them who came from the western Balkans were apparently previously recognized as refugees.

²⁹ According to the Italian authorities, the Italian legal system guarantees the protection of all minors who are stateless, independently of their ethnic origin. Official recognition of statelessness can be obtained through administrative or judicial means. Application via administrative channels is possible for those who can prove that they do not belong to any state and are legally resident in Italy. Comments provided by the Permanent Mission of Italy to the OSCE, 30 January 2009.

³⁰ This minimum is set at approximately EUR 400 per month.

The following examples highlight the various difficulties arising from the lack of legal status.

A 21-year-old Roma man, born in Italy to parents who came from Bosnia and Herzegovina, lives in the Via di Salone camp in Rome. He informed the delegation that the only official Italian document he had was his birth certificate, even though he had finished mandatory education, received a diploma, and also had a certificate from Bosnia and Herzegovina acknowledging that he had not been born there. Despite these circumstances, he still cannot obtain Italian citizenship. This has prevented him, and others in a similar situation, from benefiting from legal employment opportunities and accessing rights and services. In his efforts to acquire legal residence status, he was informed that residence in the camp does not meet the residence qualifications needed for obtaining citizenship and that he should obtain official status as a stateless person first. The procedures involved in acquiring such status are costly and time-consuming, and they provide no guarantee that citizenship will be granted.

At the time of the delegation's visit, around 20 people from the camp were being held in a temporary detention centre awaiting deportation. The delegation met with one individual in possession of a residence permit who stated that his wife was being detained in such a centre, even though all of their 13 children had been born in Italy and were living there. Another young person from the camp had recently received an order for his deportation to Bosnia and Herzegovina, although he was born in Italy, had never been to Bosnia and Herzegovina, and his parents and relatives all live in Italy.

The delegation also encountered a small number of young Roma who lived in camps but who held Italian citizenship, as they had been adopted by Italian citizens.

Living Conditions

The delegation visited a substantial number of Roma settlements that varied in size from a small number of families living in one or two buildings, caravans, or huts to large settlements of around 700-800 people. The settlements also varied in their legal status. For example, they could be defined as illegal, irregular, or unauthorized if no prior authorization for their establishment had been granted or if they occupied private land without the permission of the owner. A number of settlements have been established by municipal councils, prefects, or other authorities or have been regularized after their establishment and are defined by the authorities as legal, regular, or authorized.

Housing in Authorized Camps

Authorized settlements or camps (both terms are used by the Italian authorities) are established by municipalities and are administered by public agencies and civil society.

Authorized camps are most often located in remote and isolated areas far away from urban centres or in industrial zones. While far from ideal, basic conditions appeared to be met in the authorized camps. Some settlements have pre-school facilities, while most offer some form of transportation to and from schools.

In order to live in such camps, residents must sign a pact saying that they will uphold certain social and legal conditions.³¹ Access to the camps is often limited to the inhabitants, who have a special kind of identification pass that may be checked upon entering the settlement. Furthermore, some economic activities are prohibited within the area of the camps (for example, the collecting of scrap metal or the production of small metal artefacts).

There were worrying reports of collective punishment in cases where a breach of the applicable rules in the camp by one Roma individual led to the expulsion of his or her whole family.

In addition to a limited number of reception centres,³² the settlements and camps remain the only way the authorities are addressing the housing situation of Roma and Sinti.

The delegation welcomes the government's intention, as stated in the Interior Ministry guidelines mentioned earlier, to create adequate living conditions for Roma and Sinti communities and to provide them with access to public services such as social assistance, education, and health care. While Roma themselves told the delegation that they appreciate the opportunity to live in such authorized camps, they would still prefer to live in regular housing among Italians, which would facilitate their full integration into society.

The delegation also welcomes efforts at the municipal level in Bologna to transfer Roma from illegal camps to authorized camps and from authorized camps to regular housing.³³ The delegation encourages the central government to continue to provide assistance to the relevant local and regional authorities, including through the allocation of resources, as a lack of financing often blocks the implementation of projects planned at the local level.

Unauthorized Settlements

The delegation visited several unauthorized settlements and camps in Naples and Rome that varied considerably in size, composition, and length of existence. Some of the larger settlements have existed for 20 years or more and have become institutionalized (or at least semi-authorized) to a certain degree, such as the Barbuta camp in Rome. The larger settlements that have existed for a longer period are tolerated by the local authorities and in many cases are supplied with public utilities, a postal address, and

³¹ "Patto di socialità e di legalità con i cittadini romeni abitanti nello spazio di via Triboniano del comune di MILANO", Casa della Carità website, <http://www.casadellacarita.org/index_files/userfiles/Patto%20di%20socialita%20viaTriboniano.pdf>.

³² Reception centres are premises that the authorities have made available to foreigners, free of charge, providing them with basic needs. The Grazie Ex Deledda reception centre in Naples, for example, spends ca. EUR 90,000 a year on food for the inhabitants and on providing security for the premises. This kind of support is offered to those foreigners who are temporarily unable to meet their needs for housing and subsistence. Furthermore, such centres may provide also the possibility to participate in Italian language lessons, vocational training and cultural exchanges with the Italian population. See reference to 'Centri di accoglienza' on the website of Polizia di Stato, <http://www.poliziadistato.it/pds/ps/immigrazione/centro_accoglienza.htm>.

³³ *1 Anno a Villa Salus: Ricomporre le responsabilità dell'accoglienza a Bologna*, (Associazione ARC-EN-CIEL Onlus, Feb. 2008).

other services, such as transportation to schools and health care. In general, however, the housing in these settlements consists of shacks, huts, or cabins that the inhabitants have built on their own.

While the homes in some long-term unauthorized settlements are generally somewhat more durable than those in more recent illegal or unauthorized settlements, the overall conditions tend to be below acceptable standards. This applies in particular to the most recent settlements that have sprung up in the last few years, mostly as a result of increased migration to Italy. For example, the delegation visited the Poggioreale camp in Naples, which is located between two cemeteries. The paths between the makeshift huts are muddy, garbage is piled up at the edge of the settlement, and children walk around barefoot. Other settlements have been set up in abandoned warehouses or factories, often without running water, electricity, or windows.

The prefect of Milan noted the increase of illegal occupation, mostly by Roma, of public and private properties, whether land, abandoned buildings or former factories. As an example, he mentioned Bovisasca, an illegal camp occupied by 800 people on the contaminated site of a former chemical plant. In Quintiliani in Rome, some Romanian Roma families have settled informally in a building that had previously served as a storehouse. Its inhabitants occasionally work in construction.

Evictions

During the visit, the delegation was informed by prefects that forced evictions had been temporarily suspended for the duration of the census. Moreover, no information about instances of evictions for that period was reported to the delegation by civil society or by others.

However, some Roma informed the delegation that evictions had taken place in the past, and that they had either been directly targeted or were at least aware of them. According to them, inhabitants are often not given any prior notice of a forced eviction, nor do they have the possibility to file an appeal against the eviction order.

Forced eviction operations are often carried out by large police contingents and often in the early hours of the morning. They sometimes include a complete dismantling of the illegal settlement. It has also been alleged that residents are often not given an opportunity to gather their personal belongings. In many cases, no alternative accommodation is provided to those evicted. This situation has a particularly negative impact on women, children, and the elderly. The practice of forced evictions without proper procedural safeguards and prior notification raises questions about compliance with international human rights standards.³⁴

³⁴ See “General Comment 7: The right to adequate housing (art.11.1 of the Covenant): forced evictions”, United Nations Committee on Economic, Social and Cultural Rights, 20 May 1997, <[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument)>, which states that: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.” On the issue of procedural protection, the UN Committee further notes: “Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions, which directly invokes a large number of the

The authorities have seen evictions as a solution to the problems associated with unauthorized housing. Among Roma and Sinti, however, evictions from unauthorized settlements are of great concern, particularly forced evictions that are carried out by the authorities and law-enforcement officials.³⁵

Municipal governments carry out forced evictions in order to discourage migrants and “nomads” from settling in unauthorized camps and settlements. In a meeting with the delegation, however, the prefect of Rome acknowledged that the policy of evictions is not effective, as it perpetuates the problem and does not contribute to the integration of the people concerned. The prefect also noted during the meeting that, in the majority of cases involving forced evictions, those concerned simply moved to other places, usually to other unauthorized sites.

The delegation welcomes the intention of the authorities to close all unauthorized camps and settlements because of the prevailing deplorable living conditions. However, it questions the policy of evictions in those situations where no housing alternative is provided to those concerned. In such situations, the practice of forced evictions does not contribute to the solution of the existing problems but only reinforces the continuing marginalization and segregation of the Roma and Sinti.

Crime and Security Issues

During many of the delegation’s meetings, the issue of crimes allegedly committed by Roma and Sinti was raised by authorities. Measures undertaken by the authorities were in part justified by concerns regarding crime. At the meeting with the prefect of Milan, for example, the delegation was presented with a chart and statistics showing an increase in the crime rate coinciding with the inflow of Roma and Sinti populations into the region, especially after Romania joined the EU. The authorities appear to have interpreted the statistics as evidence of a link between the migration of Roma and an increase in crime. This view has been reinforced and fuelled by sensationalist media reports that have exploited the issue.³⁶ The perception that Roma are to be feared as

rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.”

³⁵ See “Written Comments of the European Roma Rights Centre (ERRC), the Centre on Housing Rights and Evictions (COHRE), Osservazione and Sugar Drom, Concerning Italy, for Consideration by the United Nations Committee on the Elimination of Racial Discrimination at Its 72nd Session”, 2008, p. 23, <<http://www2.ohchr.org/english/bodies/cerd/docs/ngos/errccohreitaly72.pdf>>, which says: “Many of the forced evictions and destruction of property have taken place in Rome, where as Mayor Walter Veltroni reported, 6,000 people were forcibly evicted between January and November 2007, according to the Italian national newspaper ANSA of 6 December.”

³⁶ Cristina Arion, “The Italian Government's Plans for Romanians: the Return of Collective Expulsions?”, World Politics Review website, 15 November 2007, <<http://www.worldpoliticsreview.com/articlePrint.aspx?ID=1357>>.

criminals was exacerbated by the killing of an Italian woman, allegedly by a Roma man from Romania, in Rome in November 2007.

At the same time, Roma and Sinti themselves have faced increased threats to their safety. Regarding the Ponticelli incident in which a mob burned down a Roma settlement following rumours that a young Roma woman had tried to kidnap a baby, the prefect of Naples acknowledged there was no evidence that this woman had in reality done so. The violent attacks were, in the prefect's view, orchestrated by criminal organizations who were interested in acquiring the land on which the Ponticelli camp stood for themselves. However, the prefect, at the time of the delegation's meeting with him, was not in a position to provide any further results of the investigation into the identity of the perpetrators of the attacks.

Since the events in Ponticelli, law enforcement officers have been regularly checking the camps, paying attention to the security of the inhabitants and of the surrounding areas. Still, there have been some minor incidents, such as unknown individuals setting fire to vegetation on a hill in the immediate vicinity of the Via Candoni camp in Roma as an apparent warning to the inhabitants to vacate the camp. The mayor and the prefect of Rome promptly visited the spot and ordered an investigation into the incident.

The Identification and Census Process

There was considerable controversy and international criticism in 2008 in response to the government's plans to carry out a census of the Roma and Sinti population in Italy.

According to the Italian authorities, the purpose of the census was, on the one hand, to identify people involved in criminal activities, and, on the other hand, to provide support to individuals in camps and to prevent further degradation of their living conditions. With regard to minors involved in begging and stealing, the aim was to identify them and those forcing them into criminal activities. Once such data was collected, the authorities planned to dismantle criminal networks, stop the exploitation of children, assist children with their school registration, and provide them with adequate health care.

While the census was carried out in various locations in early summer of 2008, the guidelines³⁷ from the Ministry of Interior were not issued until 17 July. They provided instructions on how the identification and census should be conducted, including guidelines on fingerprinting.

The delegation assessed the identification and census to the extent possible, as the census had been suspended at the time of the visit. Initial census forms used in Naples included fingerprinting, photo identification, and data on ethnicity and religion.³⁸

According to the delegation's findings, the census and identification operations were implemented in Milan, Naples, and Rome with considerable variations. For instance, the census in Naples was conducted by the prefect's office together with the Italian Red

³⁷ Linee guida del ministero dell'Interno, *op. cit.*, note 7, p. 8.

³⁸ For photos of the census forms used in Naples in July 2008, see http://picasaweb.google.com/lh/photo/cLx1E-oU_2ILPqY_yFRE3w?authkey=e15B-A8DDdg and <http://picasaweb.google.com/lh/photo/HOE6xRx-ABsI6JwBfBbg9A?authkey=e15B-A8DDdg>.

Cross, the municipal civil protection service, and technicians from the police; while in Rome it was carried out exclusively by the Italian Red Cross. In Milan, the authorities checked the identification documents of people in the camps. In Rome, the census was voluntary, according to the city's prefect.

Authorities provided different justifications for the census and identification operation. Some of the prefects considered it a useful mapping exercise to assess the situation in the settlements and the conditions in which people live. Others considered the operation a tool with which to assess people's needs, including children's education and health care. Representatives of the Ministry of Interior stressed that another reason for the census was to gain an insight into various aspects of income-generating activities, legal or illegal, including the exploitation of children and women.

In Milan, the census had been conducted in eight authorized camps prior to the field visit. Approximately 700 people were checked for their identification papers. According to the prefect of Milan, one purpose of the census was to identify irregulars hiding in the camps.

In Naples, the census was conducted in three camps: Scampia, Casoria, and Torre del Greco. In cases where people had no identification papers, fingerprints and photographs were taken of individuals over 14 years of age. Seven hundred and sixty people were identified in this way. In both Scampia and Casoria, approximately 700 people were fingerprinted and registered based on their ethnicity and religion.

The prefect of Naples informed the delegation that only 30 per cent of those identified in the census had a valid permit of stay. Among the inhabitants of the camps, approximately 10 per cent had a criminal record. Only eight people from those identified in the census fulfilled the eligibility criteria to request citizenship. The census also identified about 70 individuals who were already facing deportation proceedings.

In Rome, an estimated 2,500-3,000 people were identified through the census in approximately 40 unauthorized settlements. The Italian Red Cross issued health cards so that people could get vaccinations and access to other services. During the census, the authorities issued instructions to census takers to be vigilant and keep an eye out for unaccompanied minors who appeared not to be of Romany origin (and thus may have been abducted from non-Roma families) and who possibly could be the subject of exploitation in the Roma camps. However, no evidence of abductions of children by Roma was found which, given the existing anti-Roma climate, raises the question of whether these suspicions were not in themselves based on anti-Roma prejudice.

According to the results of the census and identification exercises, there are 12,346 Roma and Sinti – including 5,436 minors – living in 167 camps around Rome, Naples and Milan. Of the camps surveyed, 43 were authorized by the city authorities and 124 were illegal. The government also estimates that 12,000 Roma, mostly from Romania, have left the country independently since the start of June.³⁹

³⁹ “Censimento dei campi nomadi. Gli interventi adottati per superare lo stato di emergenza” (Census of nomad camps. Interventions to overcome the state of emergency), Ministry of Interior website, <http://www.interno.it/mininterno/site/it/sezioni/sala_stampa/speciali/censimento_nomadi/index.html>.

The prefect of Rome informed the delegation that the data collected from the census (excluding names and other personal information) would be provided to a research institute that would process it for further use by the authorities.

According to the mayor of Rome, it would take approximately one year to get a clear picture of the situation and of the challenges facing the Roma and Sinti communities. A strategy would then be developed to address their problems. Within up to three years, the authorities would have clarified the legal situation of all individuals living in the legal settlements.

The delegation learned that relevant data – to a large degree similar to the data collected by the authorities in the census operation – is also available from various other institutions and services dealing with Roma and Sinti. This includes, for example, information contained in the “pacts of sociality and legality” concluded between Roma and Sinti inhabitants of different settlements and camps and the authorities/municipalities responsible for the operation of those settlements, such as school registers and data from public services operators working within camps.⁴⁰

The delegation recognizes the need for data collection and to monitor the situation as it develops regarding Roma and Sinti in the mentioned regions and municipalities. The delegation therefore welcomed the guidelines of 17 July 2008, which exclude the collection of some personal data, such as data concerning religion or ethnicity.⁴¹ A clear specification of all the conditions for fingerprinting, especially of minors, was also considered a positive step.

However, on the whole, the delegation considers the measures adopted by the government, starting with the declaration of a state of emergency, disproportionate in relation to the actual scale of the security threat related to irregular immigration and the situation the Roma and Sinti settlements. Moreover, the delegation is concerned that the measures taken, by in effect targeting one particular community, namely the Roma or Sinti (or “nomads”), along with often alarmist and inflammatory reporting in the media and statements by well-known and influential political figures, fuelled anti-Roma bias in society at large and contributed to the stigmatization of the Roma and Sinti community in Italy.⁴²

Employment, Health and Education

During its visit, the delegation found that the majority of adults living in the settlements do not hold legal employment. Only a small portion of them have short-term jobs

⁴⁰ “Linee guida per la realizzazione di insediamenti rom; Convenzione con la Provincia di Napoli n. 11885 del 31/07/2006”, C.I.T.T.A.M. Centro Interdipartimentale di ricerca sulle Tecniche Tradizionali nell’Area Mediterranea, Università degli Studi di Napoli Federico II; a table in this document includes data about the inhabitants of nine camps.

⁴¹ Linee guida del ministero dell’Interno, *op. cit.*, note 7, p. 8.

⁴² According to the Italian government, “The measures included in the ‘security package’ are meant to curb criminal behaviours of individuals and no provision at all is envisaged against any community, group or class nor is linked to any form of discrimination and xenophobia.” Memorandum, *op. cit.*, note 14, p. 14., Appendix, Comments by the Italian Government.

(without legal contracts) or work as travelling salespeople. The limitations that Roma and Sinti face in trying to obtain stable and legal employment are directly linked to their lack of residence and working permits, in addition to their generally low level of education and lack of other skills sought in the labour market. Even those who do have the right to seek legal employment have great difficulty doing so, as their residence papers indicate that they live in “nomad” camps, or that they are from areas that are known to be inhabited by Roma and Sinti. As a result, the only available employment is informal, short-term, and poorly paid. In addition, the delegation was informed by different sources that Roma are discriminated against even in the unofficial labour market, as they are paid a lower hourly rate than other migrants.

Most of the Roma in the Via di Salone camp mentioned that they would like the authorities to reopen the second-hand market where they used to work. The market was closed because of poor hygienic conditions. The Roma have proposed that the market be reopened and that the administration be taken over by a group established by the Roma themselves.

The majority of the men from the Via Tiberina camp outside Rome are working on the extension of one of Rome’s metro lines. Some Roma women have found jobs as cleaners in private houses. They all would like to receive residence permits in order to avoid eviction. Many of the Roma living in the Barbuta camp in Rome craft copper cauldrons and sell them to authorized dealers. They also collect scrap metal, and some even trade copper products for it. They face difficulties in finding long-term jobs, as they lack residence and working permits. They would like to have authorized places in markets to be able to sell their products there instead of through irregular arrangements. In the Via Candoni camp in Rome, around 100 Roma from Romania have legal employment.

The living conditions in the camps are disadvantageous for Roma and Sinti living there, regardless of their citizenship. That said, the Italian Roma and Sinti have the advantage that, in principle, their citizenship guarantees their right to work.

There are serious concerns about access to health-care services for Roma and Sinti living in the settlements. These services are particularly needed by children and women. The overwhelming majority of people in the settlements are not registered with a family doctor and therefore can only benefit in a limited way from health services. Those requiring constant medication and prolonged hospitalization are the most affected. Several issues were brought to the attention of the delegation by the Roma living in the Grazie Ex Deledda centre – for example, their lack of access to medical care and health services and the impossibility of registering with a family doctor. However, one positive exception should be noted in the Via Candoni camp in Rome, where Romanian Roma are registered with family doctors and receive health care.

Living in unauthorized camps poses risks for Roma and Sinti. The lack of electricity and gas forces people to use improvised devices or resort to candles. There have been cases where employing such means has caused fires that resulted in the deaths of dozens of people, primarily children.⁴³

⁴³ Elisabetta Povoledo, “Death of Roma children sparks a debate in Italy”, *International Herald Tribune*, 14 August 2007, “Four children, aged 4, 6, 8 and 11, from two families were killed when the

According to Italian legislation, every child, regardless of legal status, has the right to education, which is obligatory until 16 years of age. Nevertheless, access to education is often difficult for Roma and Sinti children because of the isolated position of the irregular settlements and the lack of transport links. As a result of this and other factors, a considerable number of children do not receive adequate education.

The delegation learned that only a small number of Roma and Sinti children living in the settlements benefit from the right to education. In Rome alone, according to data from April 2008 provided by the prefect, of the 5,000-7,000 children living in the settlements in the region, only 1,500 go to school. Thus, up to 75 per cent of Roma children in the area do not attend school. Very few Roma children reach higher levels of education and many drop out of school before receiving a diploma.

In general, the situation seems to be somewhat better in authorized camps than in unauthorized camps. In the Scampia camp, children represent around half of the approximately 700 inhabitants, and more than 70 per cent of them attend school. Perhaps one reason for the higher level of attendance in this camp is that the municipality provides buses for their transportation to school. In addition, several children attend high school.

The situation is much worse in unauthorized camps. The poor living conditions and the effects of repeated evictions all have a negative impact on the school attendance of Roma children in these camps. Furthermore, extreme poverty might also expose children, especially unaccompanied minors, to exploitative practices such as begging, or prostitution. For example, the Poggioreale settlement, an unauthorized camp in Naples located near the city's cemetery and inhabited by Roma from Romania, is made up of makeshift shacks in which the living conditions are very poor. The children living there do not attend school. Their parents would like to send them to school and have requested that the authorities provide transportation and some basic clothing for them.

All of the children at the Via Tiberina reception centre in Rome attend school, with the exception of some recent arrivals. The authorities provide support, including transportation, for the children to resume their schooling, which was interrupted after their previous places of residence were demolished. The situation is similar in the Barbuta and Via Candoni camps in Rome. In the latter, approximately 250 children of Romanian Roma attend school and pre-school. Pre-school is provided inside the camp, and the authorities have provided buses to transport the older children to schools outside the camp. The authorities also have a plan to ensure transportation for those children forced to leave the Ponticelli camp so that they can continue attending the school where they were before.

The Ministries of Interior and Education are working together to facilitate access of Roma children to education. The authorities are planning to increase their attention with regard to monitoring schools to verify that children are attending school, and that their performance is being assessed.

shacks in which they lived on the outskirts of Livorno burned to the ground late Friday night”,
<<http://www.iht.com/articles/2007/08/14/news/italy.php>>.

Protection of Roma Children's Rights

The delegation was informed by the councillor of Milan municipality about the phenomenon regarding unaccompanied children who are sent to the streets to steal and beg. The authorities are trying to find mechanisms to assist and integrate these children, but face the difficulty of identifying them. These children are sometimes taken in by child care institutions but almost always run away. The authorities suspect that the longer they stay in the institution, the greater the risk that they will be beaten up upon return by those who are exploiting them. On the other hand, some Roma parents are concerned that their children are being taken to institutions without the parents' consent or full understanding of the procedures being applied.

The delegation encountered several instances of Roma parents complaining that their children were taken away by institutions. A woman, who was a former inhabitant of the Ponticelli camp, described how her 13 year-old son was taken two years ago from his school in Rome, where she used to live in a camp, apparently by a priest. The woman claimed that she has not received any kind of court decision relating to custody of the boy nor any information on where the boy currently is.

Some Roma families in the Via di Salone camp also complained that their children were taken from them on the basis of a court decision and placed in institutions. Some decisions allow parents to visit their children. Distances from the camp to these institutions makes it difficult for parents to visit their children because it involves costs they cannot meet, as they are without a steady income. The parents are asking for social support to allow them to travel and visit their children, as well for the competent authorities to re-evaluate the cases of these children and explore the possibility of returning them to their families.

The delegation welcomes government measures aimed at ensuring Romani children's access to education and social assistance and, especially, protecting children against exploitation.⁴⁴ With regard to the issue of the exploitation of children, the delegation is of the opinion that the government's discourse on this matter should be proportionate to the real extent of the issue, in order not to reinforce the stigmatisation of these communities.

State Efforts and Initiatives

During discussions with UNAR's representatives, the delegation was informed of plans to implement a programme, within the remit of the structural funds of the national strategic framework, aimed at promoting respect for the principle of non-discrimination and promoting policies for the social inclusion of the Roma and Sinti community. The project also aims to support the efforts of Roma organizations to better interact and work directly with authorities.⁴⁵ In UNAR's view, the existing offices for "nomads" (which fall within the structure of local government) should be replaced with a better and more effective structure.

⁴⁴ Linee guida del ministero dell'Interno, *op. cit.*, note 7, p. 8.

⁴⁵ According to the Italian authorities, UNAR in the context of European social funds implements and manages projects both directly and by supporting initiatives of local authorities with legislation, administration, and management of policies to integrate Roma and Sinti. Comments provided by the Permanent Mission of Italy to the OSCE, 30 January 2009

UNAR also plans to continue the series of anti-discrimination and awareness-raising campaigns on the basis of the experience of previous campaigns organized in the last four years. Past activities have included organizing the Rome “I Run Against Racism” Marathon, as part of the International Day for Elimination of All Forms of Racial Discrimination (21 March). During the European-wide “Action Week Against Racism” (20-28 March), a number of meetings, public events and exhibitions were held to educate the public regarding discrimination against Roma and migrant people.

The work of UNAR regarding Roma and Sinti in the past years includes research undertaken by independent institutes and NGOs analysing the root cause of discrimination based on ethnicity and identifying good practices in tackling this phenomena and how it impacts the access of Roma and Sinti to education, housing, health and the labour market. Within the framework of the European Year for Equal Opportunities, UNAR carried out, through Save the Children, a project in support of Romani children involved in illegal activities in the Region of Lombardia, and in the municipality of Rome.

The mandate of UNAR also includes media monitoring of racism and xenophobic expressions and attitudes. In 2008, a database was created of reports of cases of discrimination in the media against Roma and migrants. Identified cases are dealt with by UNAR’s officers. UNAR has worked closely with journalists and supported the elaboration of a code of conduct to combat such phenomena in media. In the framework of a European Commission campaign a competition was organized by UNAR in 2007 for newspaper and web journalists to find the best article on the subject of discrimination. Furthermore, UNAR unveiled its “Untouchables” anti-discrimination campaign, featuring a one-hour documentary film on the social inclusion of Roma communities and a 150-second video clip on Roma. The videos were widely disseminated and broadcast through the media and the Internet.

The delegation was informed by almost all of the local, regional, and central authorities that they met with of a variety of plans regarding the construction or improvement of housing conditions in Roma and Sinti communities, particularly for those people currently living in unauthorized settlements. Several of these plans appeared to be in advanced stages of development.

However, it seems that the implementation of these plans has been difficult for a number of reasons. It has been difficult to secure state funding and to overcome opposition from local populations to such plans. Complicated administrative structures among the different layers of government also appeared to have hampered approval and implementation procedures.

The delegation welcomes the intention of the authorities to improve housing for Roma. However, most of the plans presented seem to offer only short-term solutions through the construction or improvement of camps, reception centres, and so-called solidarity villages.⁴⁶

⁴⁶ “Solidarity villages” are administered by municipalities and are usually located at the outskirts of urban areas. They are inhabited by Roma transferred from unauthorized camps. Such villages benefit from basic infrastructure and services.

The municipality of Milan presented a project for a solidarity village, along with other work on Roma issues, carried out together with the regional government in order to assist Roma in legalizing their residence status.

The municipal authorities of Naples informed the delegation of various plans to accommodate the Roma in a number of solidarity villages and reception centres. For example, the authorities intend to open reception centres that would be similar to, but larger than, the existing Grazie Ex Deledda reception centre. The municipality of Naples has requested funds from the Ministry of Interior for this purpose. In Giuliano, for example, housing was built for 130 people, with the aim of enlarging it to house another 500 people. Casoria, a similar settlement project for which financial allocations have been made, could offer housing for 200 people. There are also plans to establish a settlement for 600 Roma in Scampia. A project proposal has been submitted to the Campania regional government for funding. All these housing projects are considered priorities. In the event that the municipality of Naples does not succeed in securing financial support from central government, it indicated that it will finance and implement the project, at least partially, from its own resources.

According to the prefect of Naples, the census would help to identify the extent of the need for housing. The prefect added that, after the census has been completed and an analysis of the information made, the need for further resources would be reviewed. Solidarity villages would be looked into as a permanent housing solution. In his capacity as emergency commissioner, the prefect has a budget of EUR 1 million that he is using for these purposes.

The Ministry of Labour, Health and Social Policies informed the delegation that measures concerning Roma and Sinti communities living in the provinces of Rome, Padua, Turin and Milan have been approved and funded with approximately EUR 2,640,000. This was done with a view to preventing the phenomena of housing marginalization and discrimination, which precludes or hampers access of Roma and Sinti to housing.

The delegation is of the impression that the adoption and implementation of co-ordinated action or policy measures to integrate the Roma and Sinti communities is complicated by complex administrative structures and competencies of various levels of governance (consisting of the central government, regions, provinces, municipalities and other bodies).

The delegation also noted that there is little involvement and representation of Roma and Sinti in direct dialogue and consultation with the authorities. Roma and Sinti communities are seldom able to present their own interests and concerns; instead, they are presented through intermediary organizations contracted by local or regional authorities. Such indirect consultation arrangements may not always be in the best interest of those concerned.

In order to improve the living conditions of Romanian Roma living in Italy, the Ministry of Labour, Health and Social Policies implemented a series of initiatives aimed at fostering their integration. Bilateral agreements were signed with municipalities of Naples, Reggio Calabria and Rome. An amount of EUR 2,400,000

has been assigned for the implementation of these initiatives in the respective territories, in collaboration with the local and social bodies involved.⁴⁷

The Minister of Education confirmed, on 16 July 2008, that an *ad hoc* plan was to be launched in September, on the basis *inter alia* of the mapping exercise of the children living in the “nomad” settlements, in order to speed up the integration process of Roma children within the education system. With the aim of facilitating access to schools, the above plan includes additional Italian language lessons, specific training for school staff and teachers (so that they may act as cultural mediators), and *ad hoc* memoranda of understanding with relevant NGOs.⁴⁸

The Ministry of Labour, Health and Social Policies informed the delegation that five (out of seven) proposals have been funded within the “Reception of pupils belonging to Roma, Sinti and Travellers communities” programme, which has been assigned a budget of some EUR 942,000. The proposals were presented by private associations and bodies working in the social sector and realized in partnership either with one school or with a network of schools, in the areas of Rome, Bologna, Naples, Florence and Milan.⁴⁹

⁴⁷ Document handed to the delegation by the Ministry of Labour, Health and Social Policies, Rome, 25 July 2008, p. 1, <<http://picasaweb.google.com/lh/photo/XFjfASvn0Q3cTQfjiPX-OQ?authkey=e15B-A8DDdg>>.

⁴⁸ Memorandum, *op. cit.*, note 14, p. 14., Appendix, Comments by the Italian Government.

⁴⁹ Document handed to delegation by Ministry of Labour, Health and Social Policies, Rome, 25 July 2008, p. 2, <<http://picasaweb.google.com/lh/photo/h8Fvyk1UVwTUYegpeMhHug?authkey=e15B-A8DDdg>>.

APPENDIX I – Composition of the delegation

- Andrzej Mirga, Senior Adviser on Roma and Sinti Issues, OSCE/ODIHR
- Dan Doghi, Officer on Roma and Sinti Issues, OSCE/ODIHR
- Bart Laan, Chief, Migration/Freedom of Movement Unit, OSCE/ODIHR
- Nina Suomalainen, Senior Adviser, OSCE HCNM
- Vincent DeGraaf, Legal Officer, OSCE HCNM
- Anastasia Crickley, Personal Representative of the Chairman-in-Office on Combating Racism, Xenophobia and Discrimination
- Nikolaos Sitaropoulos, Advisor, Council of Europe, Office of the Commissioner for Human Rights
- Pietro Vulpiani, UNAR (National Office for Anti-Discrimination and Racism)
- Eva Rizzin, Federazione Rom e Sinti Insieme, and OsservAzione

APPENDIX II – List of meetings and visits

Milan

Meetings with authorities

- Prefect of Milan
- Head of Police
- Deputy Mayor
- Assessore Regionale (Member of Regional Government), responsible for security matters
- Assessore Provinciale (Member of the Provincial Government), responsible for security matters

Visits to camps

- Via Triboniano (authorized), inhabited by ca. 580 Roma from Romania.
- Via Giuseppe Impastato (authorized), inhabited by ca. 35 Italian Roma.

Naples

Meetings with authorities

- Prefect
- Mayor's Office representative, councillor responsible for social issues and welfare
- Assessore Provinciale (Member of the Provincial Government)

Visits to camps

- Scampia (unauthorized), inhabited by ca. 700 Roma from the western Balkans.
- Secondigliano via Circonvallazione Esterna (authorized solidarity village), inhabited by ca. 700 Roma, from Romania and from the western Balkans.
- Public Social Centre Ex Deledda (reception centre), inhabited by ca. 120 Roma from Romania.
- Poggioreale (unauthorized), inhabited by ca. 300 Roma from Romania.
- Viale della Maddalena ex-factory, (unauthorized), inhabited by Roma from Romania who left the Ponticelli camp after the attacks in May 2008.

Rome

Meetings with authorities

- Prefect
- Equal Opportunity office; Head of Department, Chief of Cabinet

Ministry of Interior

- Under-Secretary of State
- Experts

Mayor's Office

- Mayor
- Experts

Ministry of Labour, Health and Social Policies

- Under-Secretary of State
- Experts

Visits to camps

- Via di Salone 323 (solidarity village), inhabited by ca. 750 Roma from Serbia, Bosnia and Herzegovina, and ca. 250 from Romania.
- Via Tiberina (reception centre), inhabited by ca. 300 Roma from Romania.
- Quintiliani (storehouse), inhabited by a dozen of families of Roma from Romania
- “La Barbuta” Via di Ciampiano 63 (semi-authorized), inhabited by ca. 350 Roma from the western Balkans, and Italian Sinti.
- Via Candoni (authorized), inhabited by ca. 450 Roma from Romania and ca. 200 Roma from the western Balkans.