

## **A brief overview on the Italian actions in the field of promoting social inclusion of Roma children**

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### **Premise**

The Italian situation is traditionally characterised by a presence of Roma Population in the urban areas, then the paper will describe some initiatives, taken at a national or local level, which are aimed to promote the inclusion of Roma children and families in urban environments.

The Ministry of Labour and Social Policies, also with the aim of providing actions to accompany the actions for the protection of public safety, has begun initiatives aimed at improving the living conditions of the Roma communities and promoting their integration. In particular through the Fund for Migratory Policies, which has allocated 2.4 million euro to actions in favour of the Roma people, agreements have been signed with major cities such as Naples, Rome and Reggio Calabria – in whose suburbs the presence of Roma minorities is most conspicuous – and through the Fund for the Social Inclusion of Immigrants, with an allocation of over 3.5 million euro, initiatives in favour of social inclusion have been funded, concerning the different aspects of social life and bearing in mind the needs expressed by the local communities.

As in the past, the resources of the EU Structural Funds are also a valid support for the implementation of inclusion policies in favour of the Roma people. In the context of the new programme for 2007-2013 measures intended for the Roma, Sinti and Caminanti are included both in the national security programme, with the particular aim of combating situations of deviance and spreading the culture of legality also through forms of rehabilitation and reuse of public spaces, and in the Regional Plans, also through support for training and return to work. Among the priorities, particular attention is dedicated to the housing marginalisation phenomenon, which sometimes hinders a real integration process. Therefore over 2.6 million euro have been allocated to starting a collaboration with the local Administrations of several cities (Rome, Padua, Turin and Milan), whose suburbs have high levels of Roma minorities. A specific commitment has been reserved also for spreading cultural mediation, which is crucial for furthering relations between the immigrant and the society which receives him or her, and above all for promoting integration in schools.

The Italian Government intends to reinforce and improve the quality of the actions, also by involving the Roma communities, in relation to the analysis of the problems and the decisions to be taken. To bring about an effective inclusion process, considerable financial resources are needed: many resources have been provided by the local Authorities which will continue in this direction. A monitoring activity is also being conducted with all the other State Administrations to locate EU to be allocated to social inclusion actions in favour of the Roma communities, bearing in mind the good practice already adopted locally by certain municipalities.

## Children belonging to minorities

According to the latest estimates provided by the Opera Nomadi in May 2008, there are about 160,000 Roma, Sinti and Caminanti living in Italy; about 70,000 of them are Italian citizens, while the rest are largely citizens from the Balkans, in particular Romanians, whose numbers are constantly increasing and have now reached about 60,000. Only approximately 30% of these groups can still be considered to be nomadic.

During the last few years, central and local government (the Regions and local authorities) have introduced legislation, policies and actions aimed at preventing social exclusion of, and discrimination against Roma, Sinti and Caminanti children. There are no precise figures for the number of Roma children in Italy. It should be remembered that their situation varies enormously: some were born in Italy to parents with Italian citizenship, some were born in Italy to parents who do not have Italian citizenship, some were born in Italy with parents who are legally resident, some arrived in Italy accompanied by relatives but not their parents, and some arrived in Italy unaccompanied by either their parents or any other relative. Then there is the important distinction to be made between itinerant and sedentary Roma.

Monitoring of the Roma community was begun at a national level in 2006 (updated at the end of 2007) with the collaboration of the Prefectures, with particular reference to problems at a local level and how, if at all, these problems were resolved. This survey revealed the difficulty in obtaining official data, especially in metropolitan areas, because of this community's tendency to move around frequently. As a result, the National Observatory for Children and Adolescents placed amongst its priorities of analysis the situation of Roma children.

### Right to one's identity

Italy protects minorities through the ratification of the Framework Convention on the Protection of National Minorities, signed in Strasbourg on 1 February 1995, and through the legal recognition of historical linguistic minorities with Law No. 482 of 15 December 1999 (and Law No. 38 23 February 2001, containing specific provisions regarding the protection of the Slovene minority in Friuli Venezia Giulia).

With a decree on 13 October 2006, the Ministry of the Interior highlighted the cultural importance of the Roma communities, making the following proposals:

- the search for safer, more dignified "micro" areas;
- the construction of a pleasant habitat;
- a broader system of care and assistance for children, and appropriate measures for their inclusion in schools;
- the involvement of small and medium-sized enterprises in an experimental job training scheme;
- promotional activities aimed at improving people's knowledge of the Roma culture as a means of developing tolerance.

The Cabinet also approved on 24 April 2007, the bill for the ratification and implementation of the European Charter of Minority and Regional Languages done in Strasbourg on November 1992. The Ministry of the Interior issued a decree to identify local authorities willing to create the necessary infrastructure and facilities to host Roma communities. In this way they were able to draw up a list of the local authorities interested (51 Provinces and 130 Municipalities), as well as the sums for the loans that had been or were to be contracted to create the necessary infrastructure and facilities to host Roma communities.

The Ministry set out in a circular the aims and programmes for 2007 with regard to the UNRRA - Reserve Fund. These goals included the priorities and criteria for the awarding of funds for the following types of action: projects which, in pursuing the goals of social cohesion, include action aimed at improving the inclusion of immigrants in the social context, and projects which provide support for extremely poor people and the weakest groups in society, which include foreigners and nomads.

The Ministry of the Interior issued a decree adopting the “Charter of the values of citizenship and integration”. This Charter is based very closely on the Italian Constitution and European and international Charters on human rights. Its main purpose is to help the Ministry plan the action it intends to take, but it is also a useful tool for all those involved in immigration, religious communities, Italian citizens and above all young people, to improve their knowledge about the problems of immigration and religious freedom.

The Ministry of the Interior also issued a circular aimed at monitoring episodes of intolerance, racism, xenophobia and anti-Semitism. It invites Prefects to continue and intensify their collaboration, informing the Ministry of any new episodes that can be attributed to these phenomena. It is extremely important to know the places where feelings of resentment, anger and protest are widespread and threaten to boil over into episodes of open conflict. As one of its tasks is that of drawing up strategies of prevention, the Committee behind this initiative (the Committee against Discrimination and Anti-Semitism, Department for Civil Freedoms and Immigration, Ministry of the Interior) is involved wherever there are situations of inequality of treatment for whatever reason.

### **Right to a residence permit**

The aim of Italian and European institutions is to create the conditions for full social inclusion in every country, combining the recognition of rights with respect for the rules. Given the examples of intolerance, it was deemed necessary, even with regard to constitutionally guaranteed rights, to take a stance on the need to respect different cultural identities, while at the same time asking the minorities present in Italy for a serious undertaking to observe the rules of peaceful coexistence.

Current legislation makes no distinction between the treatment of citizens from Third Countries on the basis of their ethnic origin. As a result, the issuing of a residence permit to members of the Roma community or to people from countries that are not members of European Union depends on their meeting the requirements for immigrants in accordance with Legislative Decree No. 286 of 25 July 1998 (Discipline Regulating Immigration and Rules on the Status of Foreigners). This law is based on the principle of the integration of foreign citizens into society and on the recognition of their right to healthcare and education. Foreign Roma who are legally resident in the country enjoy all the rights to which immigrants are entitled in the current legislation, which is

based on the principle of the integration of foreign citizens. Foreign citizens who have illegally entered the country or do not have a valid residence permit still have a right to urgent or essential surgery and hospital care, even of a continuous nature, due to illness or injury, as well as the right to compulsory education for their children. As far as legal guarantees of EU Roma are concerned, the members of their communities who are citizens of the European Union enjoy the freedom of movement in accordance with Directive 2004/38/CE of 29 April 2004 and Legislative Decree No. 30 of 6 February 2007.

### **Right to citizenship**

With regard to the possibility of foreign members of the Roma community who have been resident in Italy for several years obtaining Italian citizenship, it should be noted that the Ministry of the Interior, with Circular No. 22 of 7 November 2007, offered more favourable interpretive criteria than Art. 4, c. 2 of Law 91/1992, with regard to the possibility of foreign citizens born in Italy acquiring Italian citizenship. This is to protect the children of immigrants from the danger that they suffer as a result of their parents' failure to register their births or have their names added to their parents' residence permit or that their parents delay doing so. The application is presented in the Municipality in which they are resident, where the relevant office will check to see whether they are legally resident and for how long they have been resident.

To be legally resident one must have a valid residence permit and be registered with the Municipality of residence. This circular stated that should there be a delay in the child's name being added to the parents' residence permit or its birth being registered, this must not prevent the child from acquiring citizenship so long as suitable documentation is provided (school certificates, medical certificates etc) to show that the child has been on Italian soil in those periods.

### **Education and children's rights**

According to a survey carried out by Opera Nomadi on the education of Roma children in Italy during the 2003/2004 school year, a total 12,480 Roma pupils attended school, divided up as follows: 1,585 in pre-schools, 6,918 in primary schools, 3,577 in middle schools and 400 in high schools. This list is not complete, however, as only the schools in which Opera Nomadi has a local section were contacted. Since the 2007/2008 school year, the records collected by the Ministry of Education, Universities and Research regarding enrolment and school attendance will also contain a census on children belonging to the Roma community in order to have, by the beginning of the 2008/2009 school year, a clearer picture of the situation.

The Italian policies for school integration are organised in a rather complex way with many different levels. At the same time, the school system is also managed at different levels. During the last few years, greater attention has been paid to school integration and this has led to changes in the legislation and also in the administering of the Italian school system. In particular, the most recent programmes make specific reference to the action against discrimination and prejudice, with the fight against Antiziganism. This fight can be won through intercultural education, which also means getting to know the history of the Roma people. To complete the picture, there is a Protocol Agreement between the Ministry of Education, University and Research and Opera Nomadi, with a joint working group set up between the two bodies in

November 2007. The Protocol Agreement contains many interesting proposals, such as those listed below:

- the promotion of initiatives to tackle the problems of school dropouts, truancy and the failure to keep up with the studies;
- the training of teaching staff and school operators to make school more productive;
- the training of linguistic and cultural mediators, in collaboration with regional educational services and local authorities.

The Ministry of Education, University and Research has also begun a training programme for teachers on these issues aimed at improving research into methodological and didactic questions. School participation of pupils belonging to the Roma, Sinti and Caminanti communities is certainly one of the principal Italian policy objectives. For this purpose, resources amounting to around 1 million euro have been allocated for actions promoted in Rome, Bologna, Naples, Florence and Milan, namely:

- welcome/assistance for Roma, Sinti and Caminanti pupils also using cultural mediators, to assist their positive integration and guidance into the school system, thus countering school abandonment and preventing dispersion;
- involving the Roma, Sinti and Caminanti parents and families in school activities and in the scholastic guidance of the pupils;
- actions to create awareness with the aim of combating discriminatory phenomena, and also of respecting diversity and for intercultural dialogue.

Furthermore, the Ministry of Education, the University and Research, has a plan underway to promote school attendance of children, accompanied by actions in cooperation with the local Authorities, to identify areas where housing can be built for those who have the right to reside in Italy.

## Health services

There are three types of problems relating to the health of the Roma communities on Italian soil: one is of a socio-environmental nature, one is of a health nature and one is of a cultural nature concerning their extraneity and the difficulties they have in gaining access to healthcare.

With regards to the right to health of Roma children, the National health plan for 2006-2008 devoted special attention to the particular problems of the Roma populations. They live in unhealthy socio-environmental conditions and the improving of these conditions must be a priority. There is no official, scientifically significant and systematic data on the health conditions of the Roma and this is a critical element. It derives, on the one hand, from the difficulty in studying a people whose existence is to a certain extent characterised by its mobility and a lack of official documents, and, on the other hand, from the impossibility of having data that can be cross checked in relation to their community as a whole as this is considered by the law on

privacy to be "sensitive" data and irrelevant from an administrative point of view (the administration consider any service provided as something individual, which has nothing to do with a person's ethnic or social background). First-hand reports from health workers and research focusing on certain local situations make it possible to state, however, that the health conditions of Roma children are far worse than those of the majority of the population. This is also shown by indicators such as their low birth weight, shorter life expectancy, higher infant mortality rate, higher incidence of chronic diseases, and higher incidence of infective diseases such as bronchitis, intestinal infections and tonsillitis among children. Further studies need to be carried out to confirm a possible increase in congenital abnormalities and hereditary diseases. Moreover, very few children are vaccinated and there is a greater possibility, especially among the younger generations, of their being exposed to diseases which in the past were unknown to them, such as HIV/AIDS and other sexually transmitted diseases. Two new phenomena within the Roma communities are abortions, with the same women sometimes aborting more than once, and an increase in drug addiction. Moreover, the clear separation between the Roma and their host communities (a result of the physical distance between the places in which they live and the city centres), the linguistic and cultural difficulties the Roma have in communicating with health workers, the prejudices and discrimination they are often victims of and, at times, their own self-exclusion, bring about their isolation and cause problems in gaining access to information. This results in a poor use of social and healthcare services.

The right to health is, therefore, one of the aspects that has been tackled within the integrated projects aimed at generally improving the living conditions of the Roma. These improvements range from eliminating or modernising their camps to educating their children and providing them with job training. Several Regions, such as Tuscany and Campania, have been working in this direction, as have certain local health authorities (ASL) in various parts of the country. They have been trying to see how they can provide assistance and healthcare directly to the Roma populations who live in the area for which they are responsible.

The protection of one's health is one of the principles of the Italian Constitution. As a result, everyone has a right to healthcare in Italy, albeit with certain differences. Roma populations with Italian citizenship have exactly the same rights as the rest of the population, while for foreign citizens the situation varies, depending on whether or not they are legally entitled to be in the country, as was laid down by Legislative Decree 286/1998. If they are legally entitled to be in the country, they have the same rights as Italians, including being registered with the National Health System; if they are not legally entitled to be in the country, they have a right to essential and urgent treatment, with special attention paid to pregnant women and children. While from a legislative point of view, everything necessary has been done to suitably guarantee the health of the Roma population, in practice there are some difficulties. During the last few years, the healthcare services have been organising themselves, on the one hand, to promote certain forms of behaviour with regard to hygiene and health, and, on the other hand, to create the necessary conditions for a relationship of trust between the Roma communities and the local healthcare services. With regard to vaccinations, the Ministry of Health has issued specific circulars, depending on the age of the children, to check foreign vaccination certificates to see exactly what they were for in order to protect both the health of the children and the community. Regional and local authorities, the social services and health workers have introduced a series of strategies with the help of cultural mediators and voluntary associations to provide all sections of the population with vaccinations. Moreover, the Ministry has been promoting the National Prevention Plan, which provides specific funds not just for the prevention of heart disease, tumours and accidents, but also for vaccinations, indicating specific strategies to reach the at-risk groups.

In 2002, a vaccination campaign was carried out in all the temporary camps in the city of Rome by the Group Immigration and Health (GRIS) – Gypsy Area of Latium (a group comprising staff from the public and third sectors and volunteers that has been operating in Rome for ten years) in an initiative entitled “Health Without Exclusion”. Since then the various members of the group (in addition to the local health authorities – ASL, there is the Health Area of Caritas Rome, Opera Nomadi, the Community of Sant’Egidio, ARCI - Italian Cultural and Recreational Association and the Community of Capodarco) have continued to work with the Roma communities, showing them how to use local healthcare services correctly and providing them with health education, in addition to offering training to social and health workers.

Another critical aspect is the sexual and reproductive health of the women. Attention is now being turned back to family planning clinics in order to offer Roma women a structure they can turn to get help and advice, and where during pregnancy and childbirth, they can already start looking after the health of the children. Roma women normally only go to hospital when it is time to give birth, without going for the various checkups during pregnancy as required by Italian law. Moreover, access to the family planning clinics should help these women tackle the problem of marriage and above all the problem of having children at an early age, with its consequences on the health of the young mothers and their children. The difficulty is in creating a contact between the communities that live in a given area and the local healthcare services. The Ministry of Health is currently working on two cooperation agreements to carry out experimental projects aimed at furthering epidemiological knowledge and improving the access of Roma communities to the healthcare services, especially children.

As this section of the population makes very little use of the healthcare services, another project has been authorised aimed at experimenting with and promoting a model based on an active offer of services for these communities, which are at high risk of social exclusion. In particular, the aim is to produce information material using the right communication techniques to make it accessible to them. This material will contain both topics on health education, with particular reference to looking after children (nutrition, personal and environmental hygiene), and information on the health services. It will then be distributed in those Italian cities in which there is a large concentration of Roma. An important aspect of this project is that this health booklet will be distributed by health workers, perhaps accompanied by volunteers who can act as cultural mediators between the health workers and the Roma communities. The indirect aim of this project, therefore, is to improve the awareness of the health workers and train them to have the cultural knowledge and tools necessary to reach these communities.

Art. 1 c. 827 of Law No. 269 of 27 December 2006 approved the financing of the National Institute for the Promotion of Health of Migrant Populations and the Prevention of Diseases of Poverty. One of the goals of this Institute is to give scientific dignity to the work being carried out in favour of migrant and marginalised populations, and to offer people in great need a form of healthcare that also tackles the social and economic determinants of disease.

## Children in the Legal System

It appears that there are no discriminatory profiles between Italian children and non-Italian children (Roma and foreign children in trouble with the law). Indeed, on the basis of an analysis of the data collected by the Statistical Office of the Department of Juvenile Justice, which covers the period 2001-2006, overall there was a drop in the number of children entering First Reception Centres, which is where foreign children stay while they wait for their arrest to be confirmed. The fall was sharpest in the most recent period in terms of both the number of people entering Juvenile Penal Institutions (or Penal Institutes for Minors) and the average number of days they spent there. There is a high percentage of under 14-year-olds without documents who are not immediately identified on the basis of their age, among the foreigners, but not among the Italians. There was an increase in the number of foreign children stopped by the judicial authorities and taken into care by the USSM (Office of the Social Services for Children) between 2001 and 2006, revealing a growing trend on the part of the judicial authorities to use the integrated system of services of the Juvenile Justice System. In particular, there was a 70% increase in the number of Roma children who had committed a crime and were placed in a "probation" institution (ex Article 28, of the Presidential Decree 448/88) while for foreign children of other nationalities the increase was 112%.

Analysing the statistical trends for the period from 2001 to 2006, there appears to be no discriminatory treatment by judges from the juvenile courts, nor by the Juvenile Justice Services. Indeed, foreign children were placed in Juvenile Penal Institutions, First Reception Centres or Communities because they generally did not have any documents proving their identity and/or did not have any reliable family members ("unaccompanied" foreigners). In the period considered, while there was an increase in the number of foreign children reported to the Public Prosecutor's Offices (from 8,720 to 11,860, an increase of 36%) and in the admissions to First Reception Centres (from 1,974 to 2,115, an increase of 7%). While there was a fall in the number of non-Italians entering Juvenile Penal Institutions (from 946 to 886, a drop of 6%), there was an increase in the number who were placed in communities (from 535 to 958, an increase of 79%) and an increase in the number of children "taken into care" by the USSM (from 2,903 to 3,472, an increase of 20%). Legally speaking, the task of monitoring what happens to non-EU foreign children and of coordinating the activities of the local administrations involved has been entrusted to the Committee for Foreign Children, in accordance with Art.33 of the Legislative Decree No. 286 of 1998. A corresponding body was recently set up within the Ministry of the Interior for unaccompanied children from new Member States, with the participation of various Ministries, including the Ministry of Justice. In particular, in order to protect unaccompanied Romanian children or Romanian children "in difficulty", the Central Coordination Unit was set up by Ministerial Decree on 8 October 2007 within the Ministry of the Interior following Romania's entry into the European Union on 1 January 2007. After that date, Romanian citizens were able to move freely throughout the European Union and had to be treated differently from non-EU foreigners with regard to the relevant legislation concerning the reception system and the guaranteeing of rights. The Romanian Government took part within an international framework to provide suitable protection for unaccompanied children and jointly manage this phenomenon. There were numerous meetings and discussions between Italy and Romania to try and reduce the migratory pressure of children on Italy, and guarantee their social and civil reintegration in Romania or their integration in Italian society. As part of this framework of action, there is the intergovernmental agreement signed by Italy and Romania in June. The agreement is aimed at creating a system of collaboration between the two States in order to allow a faster, more efficient

protective action in those cases in which adults who are legally entitled to take care of these children cannot be found. The aim is to guarantee the assisted repatriation of the children through collaboration and the exchange of information between the Italian and Romanian bodies responsible for these matters. The main goal is to ensure that all the necessary measures are taken to protect these children and enable their social reintegration.

Situations of environmental deterioration, illegal practices and episodes of intolerance and violence have induced the Italian Government to adopt urgent measures with the aim of uniting legality and solidarity, such as for example the appointment of the prefects of Rome, Milan and Naples as deputy Commissioners (Prime Minister's ordinances of 30 May 2008) in order to implement, as quickly as possible, the necessary forms of collaboration with the Regions, with other public institutions and with the Italian Red Cross. To make the Commissioners' actions homogeneous and to give indications about how to make a census of the settlements, the people and family units, and also to identify persons who are unable to prove their identity, in compliance with the national and international laws for the safeguard of privacy, guidelines were issued by the Ministry of the Interior on 22 July 2008. An inspection of the numbers present on Italian territory in the authorised camps and in the illegal settlements – in full compliance with the fundamental rights and laws which safeguard personal dignity and privacy, and in compliance with the EU directives and the Italian law in force (public safety laws Consolidation Act) – is carried out, for people over 14 years of age, by taking finger prints in cases where identity documents are missing and when there are no other means of identification. For children under 14 years but over 6 years of age, finger prints may be obtained only for the purpose of issuing a residence permit when requested by those who have parental authority over them (art. 4 ter of EU Regulation n. 380 of 18 April 2008 establishes that it is compulsory to obtain fingerprints from the age of 6 years), or, in case of necessity, contacting the competent Public Prosecutor at the Juvenile Court through the Investigative Police. Below this age group, fingerprints can be obtained, upon agreement between the Public Prosecutor and the Juvenile Court, only in exceptional cases of children who are in a state of neglect or who may have been the victims of a crime, considering that the children's first right is to have an identity, in order to prevent them from falling into the criminal circuits which use this uncertainty to set up illegal trafficking and serious forms of exploitation.

The census is made with the maximum transparency, bearing in mind all the contributions from the various institutions such as the magistracy, in particular the Juvenile Court, from organisations like the Italian Red Cross which helps in the census-taking operations and from UNICEF. Besides, the people involved are informed of their rights and in some cases, an inspection of their documents has revealed that they possess the regular right to remain or even that they can obtain Italian citizenship. The European Commission has considered that the measures adopted by the deputy commissioners are not discriminatory and are in line with European legislation. Observing that the guidelines have been adopted in conformity with the indications expressed by the national Authority on the protection of personal details and by the European directives, the Commission appreciates the collaboration of the Italian Authorities with the Red Cross and UNICEF and has asked to be informed of the results of the census. Awaiting completion of the census, there has been a continuation of the commitment taken at all levels of government responsibility (central government, regions and above all municipalities) to strengthen the social integration processes of the Roma populations.