

The legislation adopted at international level and the importance of the network's work in public and private sector, in particular under the Italian civil and criminal juvenile justice system

Joseph Moyersoem
Juvenile lay judge

Introduction

The assumption of Roma children, their families, their culture, their life is a priority from ethics, politics, social and economic points of view.

Protecting and promoting the development of this community is configured, among other things, like saving social, because it reduces the factors of deviance, crime ending in increasing the social costs of their presence.

Marginalized as they are in different EU countries, taken by all other human groups as the "last" taken into account particularly in the combination of news reports that they see persons offenses, representing an emergency that can no longer be postponed.

In Italy as in other EU countries, members of Roma communities are often the focus of public and as victims of exclusion and discrimination as perpetrators of crimes against public safety.

Emerge in their attitudes towards and fear of rejection by the public as part of this community has heard the request for recognition of their cultural and linguistic identity and the reclamation of their conditions of social distress and difficult conditions of life.

Social policies still the key but they must be accompanied with a sense of accountability, by a genuine desire to fit in work or school as an instrument of inclusion.

Are a minority that remains so within the larger migration of people who reached EU countries, in particular Italy.

Notwithstanding the lack of protection mechanisms and social inclusion that will protect and promote them, the central and regional institutions are working to not only leave these communities with good or bad practices of local governments.

This meant that the history of individual groups in these communities are constituted according to the territory in which they are established and hence the difference of their responses, the fragmentation of interventions, which may also vary depending on the territory of different sensitivities policies.

From a social point of view, the negative perception of citizens about these communities makes their further marginalization, with the closure of camps without provision for alternative housing structures can be exploited locally.

On the matter of children from ethnic minorities, particularly Roma, Sinti and Caminanti, several instruments were adopted by international organisations to assist Member States to guide policies, legislations and programs on the field. For this reason it is fundamental to underline the existing international instruments on the topic.

One other aspect which is not examined quite often and it is of equal relevance is the need especially in this specific field, build and strengthen the networking work of services with an integrated approach.

International legislation

All international legislation resigned below, are divided by organism emanating in a chronological order in respect for their adoption and are resigned binding acts and non-binding acts¹.

There is extensive documentation that demonstrates the focus on the issue of ethnic minorities and nomadic populations - particularly children Roma, Sinti and Caminanti especially compared educational sphere - by international governmental and non-governmental organisations. These will monographs and articles, gray literature, research, and legislation. Compared to the latter, adopted within the United Nations, must start from the content of the UN Convention on Rights of Child (CRC).

United Nations

Article 2 of the CRC regards the general principle of non discrimination, Article 8 refers to the general principle of right to identity, finally Article 30 concerns the special protection measures against children belonging to minorities and indigenous peoples and provides that in countries where there are ethnic, religious or linguistic minorities or persons of indigenous origin, native or a child who belongs to one of these minorities cannot be denied the right to have their own cultural life, to practice their religion or have use their own language with other members of his group.

Other articles of the CRC should be mentioned, such as 7 and 9 (preventing unreasonable separation from parents), 20 (ensure that the child is deprived of its familiar “particular attention is given to the need for continuity in the growth and ethnic background, religious, cultural and language of the child”) and 29 (respect the culture, language and principles in the objectives of education and support the rights of children to be educated out of public system).

Also in the final document “A world fit for children” approved by the General Assembly Special Session on Children United Nations, was written:

Indigenous children, children belonging to minorities or vulnerable groups are disproportionately disadvantaged in many countries because of various forms of discrimination, including racial discrimination. We will take appropriate measures to end discrimination against these children, providing them special support, to ensure equal access to services.

¹ Between binding acts of international organisations are the Conventions ratified by Italy and entered into force (United Nations and Council of Europe) and the regulations and directives self executing (European Union), while among the non-binding acts resolutions, recommendations, declarations, reports.

Compared to the Roma children, it should also be noted that the Committee on the Rights of the Child, in the concluding observations adopted in January 2003 compared examination period last report submitted by the Italian government has stressed the lack of attention to this particular group of subjects vulnerable in gathering data in the general principle of non-discrimination and torture and ill-treatment between civil rights and freedom. In particular, the Committee expressed its concern about the current discrimination against children of foreign origin and Roma against the juvenile justice system and saw with concern the difficult social situation of the same, and the lack of access to health services and education. In particular, the Committee expressed its concern about the current discrimination against children of foreign origin and Roma against the juvenile justice system and saw with concern the difficult social situation of the same, and the lack of access to health services and education. For this reason, the Committee recommended that the Italian government to undertake, in cooperation with Roma NGOs, policy and proactive global programs, with the aim to prevent social exclusion and discrimination, to allow Roma children to enjoy the their rights, including access to education and health services.

Among the documents produced by UNICEF, should mention the report "Breaking the cycle of exclusion: the plight of Roma children in south-eastern Europe", March 2007. In this document it is shown that for generations, the education systems in Southeast Europe have failed in relation to the Roma minorities, rather than creating opportunities, education and services sectors have played the major role in excluding these children in perpetuate inequality and discrimination. Educational systems have failed because they failed to recognize the value and culture and the Roma have not been able to educate children to intercultural understanding and respect. The Roma children face prejudice and discrimination when they enter the school and many of them are forced to learn in segregated environments that provide low quality education. It's proved that the inclusion of children's education as soon as possible, is one effective way to support their development and provide a significant opportunity to escape from the vicious cycle of poverty.

The UNICEF report said, are finally proposed some recommendations, including the goal of achieving by 2012 at least 80% recording of all Roma infants and other excluded children in the preschool age group.

UNDP research on the causes of poverty of the Roma in Central and Eastern Europe (2002), showed that for girls Roma girl schooling begins to fade from the age of 13-14 years for several reasons including early marriage and early motherhood. Poor health status of mothers Roma also influences the health of their children. The report also highlighted that a policy that aims to improve access to health services for the Roma cannot ignore the demands and situations of different kinds. The strengthening of Roma women in general has a positive effect on the situation and living conditions of their children and the community as a whole.

After the World Conference against Racism, Racial Discrimination and Xenophobia held in Durban from 31 August to 8 September 2001, participants issued a declaration which contains some of the issues discussed during the Conference. Among these we note the request to States, NGOs and extended to the private office, creating and strengthening policies that promote high quality and various police.

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promote high quality and various police forces free from racism, racial discrimination, xenophobia and related intolerance, and all take an active groups, including minorities, the civil service, including police and other agencies within the criminal justice system (as prosecutors).

Organisation for Security and Cooperation in Europe

In order to actually implement the wishes during the OSCE Istanbul summit, was hosted in Vienna on 10 and 11 April 2003 an additional meeting on human dimension with the aim of allowing a group of experts to outline the essential elements of a Action Plan on Roma and Sinti to bring to the attention of the OSCE Council in Maastricht in December 2003. From the final document as drafted, the concept that consistently returns a process of integration and growing awareness of the population relies on education. Is invited to take measures which would allow children belonging to these minorities to access a single school system by eliminating the system of segregated education of Romani children which helps to increase the hatred interracial highlighting the integration process school, as well as to access to medical and social services must be accompanied by continuous monitoring by individual States.

Council of Europe

Among the acts of the Council of Europe, mention should be made to Recommendation R (2000) 4 of the Committee of Ministers of the Member States on the education of children Roma / Gypsies in Europe adopted February 3, 2000. The Committee has identified the following guiding principles of educational policy than children Roma / Gypsies in Europe: structures, curricula and teaching materials, teacher training and recruitment, information, research and evaluation, consultation and coordination. Compared to the structures emphasizes inter alia the need for adequate resources and structures needed to reflect the diversity of Roma / Gypsies in Europe, and suggests the adoption of a distance education system that relies on new technologies communication. The preschool education should be largely developed and need to focus on better communication between parents and using, if necessary, mediators from the Roma / Gypsy. While the curriculum and teaching materials proposed to be included in that history and culture of Roma at last reflect the cultural identity of children Roma / Gypsies and should encourage the participation of representatives of the Roma / Gypsy communities to processing of these materials on the history, culture or language Roma / Gypsies, as well as the development of teaching materials based on examples of successful actions.

The Commissioner for Human Rights, Alvaro Gil-Robles, the 4th of May 2005 presented the preliminary report on the condition of Roma people. The report aims to shed light on the situation of the Roma people, aiming to highlight and analyze one of the most frequent cases of violation of human rights within the area of the Council of Europe. For a total of three million persons, the Roma people suffer substantial violations of basic human rights, in access to health services, housing, education and labour market, often finding themselves in serious economic hardship, in addition, discrimination, racism and violence that impede further the possibility for these people to have the benefit of human rights and fundamental freedoms.

The report pays particular attention to the condition of children in the section directed to education. In particular, the survey made clear unequal access to education based on prejudice, racial discrimination and in some cases the material away from schools, with the resulting

increase in the last 10 years the phenomenon of school drop out by children belonging to ethnic Roma. However, if these children actually have the possibility to access school facilities there is the phenomenon called the "discrimination in education" or "educational segregation" since that Roma children are placed in classes without special educational and psychological evaluations, but only on the basis of ethnicity. Therefore, attending only the classroom curricula and limited content lower than that of regular classes is greatly reduced their access to employment and higher education. Furthermore, inclusion of these special classes, increases the social stigmatization that already imposed on these children, keeping them separate from their peers outside the Roma ethnic group and contributing to the separation between them.

Recommendation 1557 (2002) on "Legal Situation of Roma in Europe", incorporates the themes of the need to grant special protection to the gypsies and the condemnation of various forms of discrimination suffered in the Member States of the Council of Europe, already stressed by Parliamentary Assembly in Recommendation 1203 (1993) adopted 2 February 1993 but remained partially non-implemented. Among the signs of the latest Recommendation are the following: developing positive measures to recruit Roma in public services that directly affect the Roma community, such as primary and secondary school facilities; provide financial support to long-term development programs revenues for the poorer sections of society, including Roma; to ensure that housing programs announced by governments are made available to poorer families, including Roma families; to secure the necessary financial support to improve existing buildings and help Roma communities transferring their indispensable technical training; facilitate and promote the teaching of the Romani language; recruit Roma teachers, especially in areas where Roma population is significant.

Recommendation 1633 (2003) "Forced return of Roma originating in the former Federal Republic of Yugoslavia, including Kosovo, Serbia and Montenegro, from the Member States of the Council of Europe" calls on the Serbian and Montenegrin authorities to:

- a. facilitate rapid acquisition of certificates of schooling for Roma children who went to school abroad, so they can continue their studies in Serbia-Montegro;
- b. stop to include Roma children repatriated, in classes that have already successfully completed abroad;
- c. propose additional classes for Roma children to learn the Serbian language;
- d. ensuring that children not repatriated aren't object of ethnic segregation in their school career.

The motion "double discrimination against Roma women and girls", presented by MP Zapfl Helbling and others, in paragraph seven provides that the Parliamentary Assembly to ask Member States of the Council of Europe to urgently the mainstream of its policy on Roma, to ensure that:

- a. Roma women and girls no longer be discriminated against both in their community that society in general;
- b. special attention needs to be ensured to education, health and housing for Roma women and girls;

- c. practice of forced marriage and under the minimum age is no longer tolerated, and that Roma women and girls in these marriages and / or subject to domestic violence advice available to leave those relationship;
- d. stop the practice of forced sterilization and the victims receive appropriate compensation.

European Union

In the study conducted by the Directorate General for Employment and Social Affairs of the European Commission in 2004 dedicated to the Situation of Roma in Europe, has analyzed the situation of Roma and were provided guidance on actions to be taken at European, national and local levels. It's been shown that, in order to include the Roma in the actual policies are needed on the one hand and other initiatives to their inclusion in mainstream policies. This position is made knowing that the power of any rules and policies in the past has drawn attention due to the situation of Roma in any sphere, and that this group was frequently excluded from programs and projects designed to benefit groups marginalized. Also, because the Roma women and girls have suffered a double discrimination, particular attention should be given to aspects of gender policies to ensure that proposals take full account of their specific situation.

The European Monitoring Centre on Racism and Xenophobia (EUMC), now transformed into EU Agency on Fundamental Rights, has produced a report in 2005 dedicated to Roma and Travellers in public education. The objective of this report is to present the general situation of access to education by Roma pupils and Travellers in the EU, focusing public primary and secondary education. The report examines a range of data and information available on education of Roma children and Travellers and the existing national strategies and policies in education, highlights problems of discrimination, exclusion and segregation, outlines the main legal initiatives and sector policies and the prospects and activities of other important actors and presents conclusions and opinions addressing the political institutions and EU Member States.

Despite the overall lack of official data, a range of information from official and unofficial sources revealed that while education levels differ between countries, regions and communities of Roma and Caminanti, access to education by Roma and Caminanti population remains a serious concern. The report shows that the Roma and Caminanti are the most vulnerable to racism. They face discrimination in employment, in the home and education, as well as being constantly victims of racist violence in all EU Member States.

The EUMC opinions on key factors influencing the situation of Roma and Caminanti in education and highlight the urgent need for comprehensive action aimed at national and local level with active participation of representatives of the Roma and Caminanti communities.

Compared with the general policies and measures, Member States and local authorities should address comprehensively the factors that affect the situation of Roma and Caminanti in areas such as education, housing, employment, health and obtaining personal documents through the implementation of action plans for these groups. National equality bodies should be responsible for systematically monitoring the situation.

Concerning policies and interventions in the education area, Member States must ensure that legal measures that expressly prohibit any direct or indirect form of segregation in schools or

different classes are put in place and enforced by the competent authorities with effective, proportionate and dissuasive. Member States should actively encourage Roma and Caminanti to join in schools, removing unnecessary administrative barriers and ensure that they provide the necessary documentation. Member States should provide practical incentives such as additional social benefits to Roma and Caminanti families to promote the inclusion pre-school education, which indirectly also supports the development of employment opportunities for women.

It also calls for the guarantee for all pupils of Roma and Caminanti a free compulsory education and post-compulsory education, including higher education, namely that the costs (eg. schooling fees, the cost of textbooks, other teaching materials, transport, etc..) should be covered by scholarships and programs of support for tuition fees, the introduction of Roma language lessons as optional course for all pupils areas of high concentration of Roma, the inclusion of history and culture of Caminanti and Roma groups in textbooks, with particular emphasis on the experience of Roma in the Holocaust, teachers working in classes of mixed ethnicity attribution of a special training adequate pay and support from experts and intercultural mediators, the systematic monitoring of non attendance or absenteeism and the active involvement of parents to ensure that children regularly attend school, facilitating research use especially for those years proved to be successful at school, then Roma and Caminanti parental involvement in activities linked to the school.

Compliance monitoring and data collection, the education authorities should systematically collect statistical data from different ethnic point of view on the educational situation of Roma and Caminanti measuring the impact of policies and measures adopted. Thus, Member States should consider cooperation with the European Commission and Eurostat in order to develop common statistical indicators for effective monitoring of education of Roma pupils and Caminanti.

The European Parliament resolution P6_TA (2005) 0151 on the situation of Roma in the European Union adopted the 28th of April 2005, recognizing among other things that enhanced access to education and opportunities for school success of Roma children is essential for the development of the Roma community to a wide area. However, claims that compared to the apartheid education system existing in many Member States where the Roma children are placed in segregated classes with lower standards or in classes for mentally disabled, they are activated program aimed to ensure free access to quality education for Roma children and preventing the victory of anti-Roma sentiment among students. Recalling also Council resolution and the meeting of Ministers of Education with the Council of 22 May 1989 (89 / C 153/01) on educational provisions for Gypsies and Caminanti and children deemed to ensure that all Roma children should have access to education remains a priority.

Finally, I should mention the 2008 Report "Segregation of Roma children into education - assessment by structural discrimination for Racial Equality Directive" that was commissioned by the European Commission. The report illustrates and describes the educational problems of Roma children within the EU caused by cultural discrimination, and seeks to identify solutions.

Services dedicated and network of integrated services

In Italy, the Law 328/00 which was to inaugurate the new welfare system, offering new opportunities for social protection, development, democracy, also revealed the following changes to Title V of the Constitution strong critical and fragile. The welfare of the community, has not generated, while remaining in the construction of local policies, processes apparent involvement of multiple stakeholders, with the preparation of responses to the needs preordained, without the flexibility and coaching to build personalized projects.

The Regions are responsible for legislative and regulatory social policies, and local authorities are now the focal point of social policies and system in building the system of local social services and both in management and promotion of quality services and benefits.

The Law 328/00 to be applied should have 1) a competent community, 2) a consolidated social services. Both of these two elements are still a target in many places of our country, rather than a basic which to restore dignity and quality of life of many.

In this national scenario diversified in the forms of local responses, the need is part of a thought capable of binding to a community often incompetent and often weak social services, attention to needs of children and families of children Roma, Sinti and Caminanti.

Build confidence

The journey undertaken as part of this world, shows a complex and varied, where cross in various ways, the question of rights and their enforceability, the cares of daily survival, the issues of integration and of inter-culture. The aspect that is important to highlight and bring out concerns the dimensions and meanings of design, active participation, training, listening and mutual recognition.

Both communities “we” and “them” we are in a process of historical change that is measured in the folds of the meeting, or the clash, daily.

From social action projects, gathered to express social thought and which have produced satisfactory results, we see that the changes have crossed both the Roma, Sinti and Caminanti, both entities have entered into a relationship with it in implementing planning actions.

With the evidence that it was possible to implement the changes, thanks to the development of relational and social itself, that is, through knowledge and encounter between people, even before the operators and recipients of assistance, which is given space to another, by knowing and recognizing the centrality. Any idea of service you want to help design it needs to be organised through a slow process of building relationships of trust and cooperation.

It is important to think about services and interventions across the action-object, of actions to build intangible sense of responsibility, awareness of participation, spendable at several different levels and between the same members of the Roma, Sinti, Caminanti, both against external

institutions to which you can ask questions and seek solutions in the politics of everyday life and what has been called civic citizenship².

From cultural to social mediation

From this comes the first specific social services can bridge the gap between citizens and the territory, to recognize, promote, use and enhance social capital and its relational dimension, encouraging meetings, negotiation, agreement, mediation of interests, leading decision-compliance with their objectives. From this point of view the challenge of mediation can generate hypotheses for relational development of the community. The presence of different cultures may facilitate the process of strengthening their identity and close to another, particularly if settled later.

But concepts such as intolerance, integration, exclusion, require mediation of social processes rather than cultural, as was believed.

The social mediation must supply the links, to facilitate understanding between individuals and social groups, facilitating social integration and recognition of cultures.

The social mediation simultaneously serves two functions: to make society and to promote creative management of conflicts. But in terms of social mediation, our country, indicates significant delays and some isolated experience. Besides the cultural mediation seems better social balance parties maintaining the background cultural differences to move on a relational proximity.

The integrated approach to the child and his family

Intervention for Children Roma, Sinti and Caminanti he's often developed sectorial actions that create expectations and frustrations, if not then incorporated into an integrated project to take care of the whole and the unity of all life history. The projects also often are not "sustainable", they not create the conditions for continuity of service, thus generating movements on and off in time to the detriment of children and their families who benefit, or intermittently or in the formula one-off. It is therefore necessary to ensure stability. Another aspect concerns the need to construct formulas of coordination and integration of resources of a territory, from the public and institutional and informal or third sector, operational and non-institutional and bureaucratic.

The experience of case management, which in this case could be useful, because it requires struggling to emerge as explained at the beginning a social service firm. The function of the social worker as facilitator of social interventions, to the "networking" the various skills and resources required technical and methodological skills for planning services "integrated" but requires that there are social services and social workers can play their role. Often fixed-term employment contracts in the public and third sector affecting the construction area relationship, fiduciary relationships, which are involved function of social welfare and a bureaucratic function.

² See Italian experiences of Palermo and Scardina

Roma children and Italian civil Juvenile Justice system

The condition of social marginality of Roma children has the effect that they often deal with juvenile justice. The meeting Roma-justice in Italy is done in two ways:

- with assistance from the security conditions of neglect and risk in civil proceedings;
- the penal process when minors commit crimes.

The conditions involving the judicial intervention of civil protection of Roma children are very different and express many of the crises the world faces Roma. These are children who:

- beg or accompany his mother begging;
- the job of street vendors, especially vendors of flowers;
- are not sent to school;
- live in precarious conditions in camps or barracks or are found in terrible conditions outside the camps;
- are sick and not treated properly;
- are in a position of moral and material abandonment by adults who are not their parents;
- are left by the mother birth hospital and not withdrawn for several months;
- their mother in prison;
- are found together with the mother who steals;
- are abused by his father drunk or subjected to intra-family violence including sexual abuse;
- get drunk, using substances or prostitutes;
- they marry young and have children young, at an age when they cannot even recognize them.

What does or can the juvenile justice system when news of these very disparate situations of discomfort? It can be said that judicial intervention often:

- is occasional and marginal in the sense that you start when there is an alert of some citizen or police man for a specific case, but not dealt with and supports a fragile of Roma children is much more widespread and general;
- is aimed more at protecting the dignity and respectability of the city that the concern of the good growth of children;
- merely the suppression of the phenomenon proposed quota without being charged to the general conditions who are the cause;

- is heterogeneous in quality of responses;
- isn't very effective at promoting change the living conditions of children and youths because it is not followed by a corresponding social investment.

In particular has so far lacked a judicial and social development of strategies for rational and consistent address these phenomena. For example, it is clear that the request for alms and crafts flower vendors ensure the survival of these children and their parents in desperate situations. Prohibit such activities and confiscate the money the children collected or earned (and campaigns because people do not give alms or purchase flowers) aggravates the living conditions of children themselves and, in some cases, may force the family to seek alternative resources in the theft. While an exit strategy is, from these situations, taking over the entire nucleus, ensuring that children are sent to school and ensuring the "scholarships" that give the family an income minimum replacement, with very clear social pacts.

Thus, for children who grow up under difficult even to describe irregular camps along the rivers, are not a response or ignoring the problem, or remove the children from their parents for some period, let alone the with bulldozers to demolish shacks and poor furnishings, including school books and clothes, but there should be a home and taking over the family's social paths that start progressively towards autonomy.

Also applies to these children the rule that State, regions and local authorities supports with appropriate measures for families at risk in order to prevent abandonment and to allow the child to be educated in their own family³.

And yet, leaving babies in hospital is right in the mother's inability to care for them with adequate conditions in the winter she lives in and requires protective action that must affect the mother, without which there can be regarded a "state of abandon" that heralds the opening of the procedure of adoptability of the child.

It is more difficult to intervene in emerging typical behaviour of "non-Roma", for example the use (and smuggling) of drugs or prostitution, but noted that this result depends largely on the delay of prevention and integration activities. It is still trying to return a child to a life project, including planning and then in time and behaviour of commitment and constant intervention, this fact always involves a social and family support, confirming the need, strengthen the motivation, share successes, defeats share reconverting them in terms of growth and opportunity.

More generally, the judicial intervention for the above situations should always involve a social assumption that accompanies it. It should be noted that the only schooling, who has been successful is not sufficient to produce more definitive and extensive changes.

³ Article 1 of the Italian law 184/1983 on adoption.

Roma children and Italian criminal Juvenile Justice system⁴

The strategic approach identified by the European Union⁵ find implemented legislation in the principles that constitute the Italian juvenile justice system and involving the support of all the institutional components and integration services. The Ministry of Justice social services are always operationally connected with local bodies and local authorities because it is essential that the construction of programs and projects to take place with full involvement of all powers and all the resources.

Entry into the criminal circuit by Roma children is a phenomenon that repeats all the complexities of social exclusion and lack of integration as it is almost always an event linked to behaviours that do not receive a prior censure and sanctions by family and small group.

In this respect it is therefore necessary to take charge through a joint offer opportunity and provide continuity of operations for the children involved in criminal matters to facilitate the transition from criminal to civil justice and to ensure that child after the experience of imprisonment fits into the local community.

Crimes against property committed by Roma children are usually framed in a familiar environment justifying the need of the crime as a means to get out of the need that is forced, which favours, or even more, requires that such behaviour can be defined as real exploitation of children by adults, often unrelated to parental background.

The trade that accompanies the use of drugs is a new reality deviant involving Roma children, which we perceive the possible consequences in the medium and long term, but not the magnitude and extent of the phenomenon⁶.

Legally, the discriminatory elements in the definition of responsibilities and actions to be implemented in favour of Roma children are those of the citizenship and of the status of unaccompanied foreign children. It must distinguish the case of children of Italian nationality, usually belonging to families who have lived many years in Italy, or foreign children or even children from EU countries, just like the Romanians.

Indeed, the legal status introduces several orders of problems especially if the child is "unaccompanied" in this case arises primarily a problem of identity and consequently all the issues concerning the construction of a proposed intervention actually feasible. In particular, it refers to placements in residential facilities arranged by criminal penalties by the juvenile court as a measure that represents a good opportunity to enter in the face of poor social conditions of children and families and guaranteeing the residual use of detention. The high rate of escape from the residential facilities is mainly unaccompanied foreign children, particularly Roma girls coming from countries of the former Yugoslavia, sometimes pregnant or subject to severe constraints and exploitation by the group, and children from Romania.

⁴ The age of criminal responsibility for children in Italy is from 14 to 18.

⁵ see the recommendation from the Committee of Ministers of the European Union of 24 September 2003 on new ways of dealing with juvenile delinquency and the role of Juvenile Justice and the European Parliament resolution on the June 21, 2007 on "Juvenile Delinquency: the role of women, family and society"

⁶ Compared to quantitative element, the statistical data compiled by the Department of Juvenile Justice are explained in the document prepared by Adriana Ciampa.

In fact the phenomenon of escape from the residential facility affects particularly unaccompanied minors, in some cases, are defined as "ill-accompanied" as referenced parent unable to provide the necessary assistance to the child and cooperation with the . In fact, in some cases, children are faced with the difficulty, if not a lack of cooperation of the families with operators. Most times it is the family that lead children to commit offenses of theft and pick-pocketing, which requires a specific modulation of intervention that takes into account the level of complexity placed on membership to the "family group".

The penal process for minors

For children entering the criminal circuit, the existing Italian criminal law follows the principle of minimum seriousness of the process, its educational purpose and empowering of the residual imprisonment in favour of measures such as non-custodial supervision measure in residential care placement or suspension process for the probation, which promote the reintegration whenever possible in the family context and environment of origin or structure of the territory.

The centrality of the child is what characterizes any intervention that would entail individualization of the project, the voluntary participation of the child to play an educational process of change and personal growth.

The application of this legislation requires the formulation of educational projects for the individual child that contain requirements of conduct, commitments on educational aspirations and educational activities, membership and responsibilities in the project by the child, the use and application of these measures becomes complex and difficult for Roma children in relation to a number of factors, often competing:

- social, educational and economic exclusion from the residence locality;
- the family and social planning guidance of origin which aims to preserve / protect his ethnic / cultural identity;
- widespread identification of the Roma population as engaging in criminal activity also affects the sector economically and socially weaker of citizenship.

In light of these considerations, whether the factors outlined above are not exceeded, it is clear how the processes of social integration was actually more difficult and intervention in their favour may run the risk of being deprived of the necessary incisiveness in relation to the successful social inclusion.

To allow Roma children the opportunity to overcome the conditions hinder to the possibility of creation of alternative routes to those already configured by the social reality of belonging, the response, the strategic approach cannot be built if not systemically with:

- a. methodologies and integrated networks between different relevant sectors;
- b. targeted and specific interventions in relation to the needs identified.

a. Methodologies and integrated networks between different relevant sectors

The specific treatment of the child deviant, due to the special protection provided by national and international law for minors as growing individuals. Such legal protection implies specific responses of justice and able to trigger growth processes that empowering for the overcoming of deviant behaviour and in a recovery perspective of the child to legality and society.

The implementation of criminal procedures and interventions targeting children and young people who have committed a crime during the minority age is entrusted to the juvenile justice social services in collaboration with the local authorities social services.

The operating system of juvenile justice in Italy consists of a central structure, The Department of Juvenile Justice, which prepares guidelines, implementing evaluations on the results achieved and coordinates interventions in the national territory, through a joint decentralized organisation made by Centres for juvenile justice who have regional expertise and the penal institutions for minors, the Centres of first welcome, the social service Offices, the ministerial residential facilities through which is provided the implementation of the juvenile court decisions and is provided specific support to children entering the criminal circuit and their families.

Functions that perform such services can identify:

- a function information / knowledge designed to provide the court with knowledge of psycho-social elements of the child / family / environment and occurs as a result of educational progress;
- a function of host listen and help related to entry into the criminal justice system to be implemented immediately and if the child is host to a containment structure;
- a function of relational support and clarification that start from the crime event and works around the recognition and processing of the crime event to allow the child responsibility.
- a function of intervention-treatment. Within juvenile context the sense of "treatment" is not just that relating to the rehabilitative function of the sentence to be carried out within the penal institutions for minors, but supportive, practical assumptions and concrete project at all stages of implementation of measures of judicial authority by the social services Office and residential facilities in accordance with the other juvenile justice services and local authorities; because all observation activities are aimed at building an educational individual project. The intervention is modulated, then, in relation to the child and considering the legal measure and its timing, with specificities related to the type of project, and the territory where the project is achieved through micro-objectives of growth and development;
- a control function. The need for control is functional in relation to the negotiating size of the so-called educational pact / social contract, concluded between the operator and the child in the implementation of the project, for evaluation and verification of the journey: the control therefore takes a value promotional, becomes empowering tool;
- a function fitting. The connection is active with the judge, to which the operator periodically report on the project and that the task of deciding on the basis of technical guidance to the outcome of different measures. The fitting function is realized with the territory, local services,

private social agencies, etc., that all those organisations that the project involves and which play a supplementary and complementary function.

Has been mapped out within a complex system of juvenile justice intervention, based on complementarity of action between the services and on strengthening integrated operations as required by the Italian legislation.

The entry into force of the Italian Legislative Decree 112/1998, of the Law 328/2000, and the Constitution Act No 3/2001 to amend Title V of the Italian Constitution, established the role of regions and local authorities in the address planning, coordination and implementation of social policies, social and educational policies and social reintegration of children entering the criminal justice system. Also citizens, individually and in combination, they help in performing activities of general interest, based on the principle of horizontal subsidiarity⁷.

The commitment to build adapted projects to meet the needs of growth and empowerment, requires at the operational level that the relevant institutions in various sectors (justice, health, education and vocational training and social policies) must finalize their action in relation to real needs expressed by the individual child creating individualized pathways in specific reason such as ethnicity, nationality, permanence and degree of integration into the community.

b. Targeted and specific interventions in relation to the needs identified.

The key features of Roma children and especially the Roma from Romania, easy prey for “recruitment” by deviant groups, requires an implementation of tools and actions to “hook” through an enhanced action of initial approach, which facilitate social inclusion.

This task can be more easily achieved by a figure “non-institutional” because of less fear that an operator is marked to this effect will raise the child and within social contexts of belonging.

The development of the educational project requires participation and sharing of objectives and intended as instances of translation needs “of that child at that moment, in that territory” by operators and referents, institutional or otherwise, which play a role direct the definition of the activities and operations of the sector. Roma children necessitates strengthening of measures accompanying educational and cultural mediation as an activity that can support but also to monitor the implementation of a process of social integration, education, training and work.

In this perspective, special attention must be given to the role played by parents or adults who serve as a reference emotional and / or protect against the child or young person. When feasible, the involvement of parents is a necessary element to ensure continuity with respect to child support and maintenance commitments, as well as in building pathways to education, training and job placement.

Compared to the Roma minority, the alliance building operators / parents may, in some cases, a cultural mediation that allows for clarification and convergence of the various objectives and the modalities of prosecution.

⁷ Last paragraph of Art. 118 of the Italian Constitution

Cultural mediation in the criminal juvenile justice system is an activity that is spread over many levels and aims to establish effective communication between the operators of juvenile services and the child and especially in the context of detention of juvenile penal institutions, between children of different ethnic groups. It aims to decoding and clarification of the rules of their culture of belonging and what are the rules of their specific context in which children are integrated. Cultural mediation is a strategy path and therefore to provide an action plan modulated in time in relation to the needs that arise.

Given the difficulties of social integration, it is essential for the Roma minority the presence of a tutor, who plays an accompanying educational professional support to the child in the path of accountability and that guarantee and can filter out the impact of a social community that is not always is welcoming and promotional.

Not only in function of execution of a penalty, but also to ensure a response to protect the child without family's references or with problematic parental figures, is identified the need for resources to use semi-residential and residential to meet the needs of children subject to criminal non-custodial measures. Even in this case is to ensure, especially with the measure of placement in residential facility under decision of the Juvenile Court, continuity of reception in residential facilities of the territory. The need for residential facilities, including in the formula of the apartment, affects particularly the young girls who want to take Roma paths other than the family of origin and where the possibility of staying becomes prerequisite.

Finally, in view of problematic of specific juvenile criminal Roma, it is clear that the "fact crime", is therefore "final" social inclusion opportunities for the child that has already entered the criminal circuit through additional intervention strategies across areas of institutional and integrated across services and professional levels.