



Intersect Voices Project

Implementing the principle of intersectionality - Roma women in Italy

Policy Brief



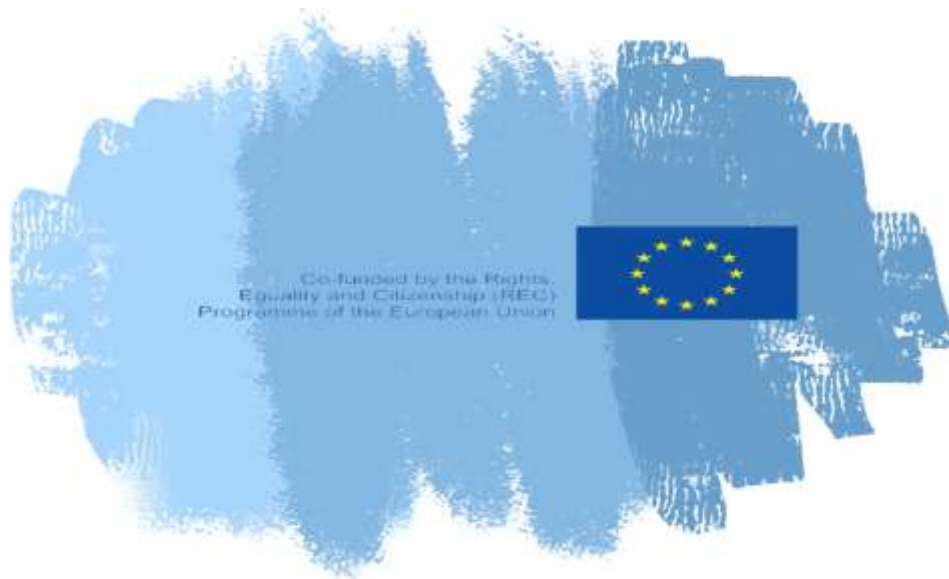
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Center for the Not-for-Profit Law Association,
E-Romnja Association**

Project:

Intersect Voices in Europe – Combating Discrimination Against Roma Women

Acknowledgements:

We thank all the people who participated in the project, in particular the Roma women interviewed in the context of the empirical research and all the participants of the individual consultations and round tables, on the basis of which the recommendations and suggestions reported in this Policy Brief were developed .



This material has been elaborated within the project Intersect Voices in Europe – combating discrimination against Roma women, funded by the European Union's Fundamental Rights, Equality and Citizenship (REC), project code: REC-RDIS-DISC-AG-2019.

The content of the report represents the views of the author only and is her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains

I. Summary

This report starts from the premise that victims of intersectional discrimination are amongst the most vulnerable people and the problems they face generally have systemic causes, such as poverty, low quality of education and health services and limited trust of citizens in policy makers. These problems have a disproportionately negative impact on them because of their specific vulnerability and because in their case, such general systemic problems overlap with racism, sexism, and classism.



Roma women in Italy are the most tight knot of intersectional discrimination in Italy, severed from access to opportunities by the double burden of patriarchy which governs both the Roma, Sinti and Camminanti communities and the mainstream culture. The discrimination is exacerbated by the economic crisis, consequences of Covid-19 pandemic, low employment rates of women and youth, and housing segregation. The need for an intersectional approach in addressing Roma women has been advocated by Romni association since 2017 in the “Red Notebook of the Marry When You Are Ready European project – Practical and Policy Recommendations to Prevent and Counter Early

Marriage in Roma Communities in Europe”, then further taken to policy debate by RoWNI – Roma Women Network Italy and Romani Women Informal Platform “Phenjalipe”. The intersectional approach prominently informs RoWNI 2019 Position Document on the 2021-2025 Roma Integration Strategy. Advocacy efforts have focused on transversal strategies: the importance of education, the protagonism of women, the strength of networking, the need for collaboration with and between public institutions.

This work focuses further aggravating determinants of intersectional discrimination: physical appearance, disabilities and sexual orientation.

The document briefly outlines the experience of intersectional discrimination faced by Roma women in Europe[1]. Next, it analyzes the relevant public policies and the legal framework on preventing and combating discrimination, from the perspective of intersectionality, based on the results of the *Comparative legal analysis on Finland, Italy and Romania*[2]. Finally, it formulates policy recommendations for addressing the problems identified and implementing intersectionality in the national legislation.

[1] Carmen Gheorghe, Cristina Mocanu, *Comparative qualitative research report on multiple discrimination faced by Roma people in Finland, Italy and Romania in the field of education, health services, housing and employment*, 2021

[2] <https://evermade-hdl.s3.eu-central-1.amazonaws.com/wp-content/uploads/2021/05/26060248/Comparative-research-report-on-multiple-discrimination-faced-by-Roma-people-in-Finland-Italy-and-Romania.pdf> accessed on 09/02/2022.

[3] Adriana Iordache, Emanuela Ignățoiu-Sora, Barbara Giovanna Bello, Heidi Lempiö, Anca Enache, *Intersectional discrimination: Comparative legal analysis on Finland, Italy and Romania*, <https://www.clnr.ro/wp-content/uploads/2021/03/Brochure-Comparative-legal-analysis-online.pdf> accessed on 09/02/2022



II. Legislation: Europe

Even European legislation, in its anti-discrimination competences, has only recently come close to the intersectional approach. Of particular importance, as prime examples of a European institution considering intersectionality as a fundamental element in people's lives are the Racial Equality Directive (2000/43 / EC) and the Employment Equality Directive (2000) / 78 / EC) which since 2000 have recognized double discrimination as an indicator of vulnerability, especially as regards the female population. Over the years, projects have been financed in an intersectional perspective, demonstrating a real interest on the part of Europe to deepen these themes in member countries and beyond, in those where the debate on civil rights is easier thanks to a greater openness of public opinion and a cultural approach more favorable to these issues. To encourage this approach as a good practice, the European Union has included attention to intersectional needs within the Strategy for Gender Equality 2020 - 2025 as a fundamental principle for achieving true gender equity in all European countries.

The intersectional approach as a good practice takes place throughout the European territory also thanks to the numerous positions taken by the Court of Justice of the European Union which over the years has ruled on anti-discrimination through various judgments.

I principali sono i seguenti:

- Case C-363/12, Government Department Z/A, Board of Management of a Community School, EU: C: 2014: 159 (intersection among gender, disability and impossibility of a natural pregnancy);
- Case C-528/13 Geoffrey Leger vs Ministre des Affaires sociales de la Santé et des Droits des femmes et Etablissement français du sang, EU: C: 2015: 288 (intersection among gender, sexual orientation and inability to donate blood);
- Case C-443/15, David L. Parris vs Trinity College Dublin e altri, EU: C: 2016: 897 (intersection among age and sexual orientation and inequalities of pension treatment);
- Case C-152/11 Johann Odar vs Baxter Deutschland GmbH, EU: C: 2012: 772 (intersection among age, disability and difficulties of integration in the world of work).

II. Legislation: Italy

Italy has transposed the European legislation of 2000 on double discrimination through Legislative Decrees 215 and 216 of 9 July 2003. This important innovation integrates, even if not officially at the regulatory level, the Italian legislative source that defines the concept of identity, the Constitution (written in 1947, when the concept of intersectionality had not yet been widespread and the attention to double discrimination or vulnerability was not considered a priority). The articles that are most affected by the introduction of this approach are Article 2, which recognizes and guarantees the right to personal identity, and Article 3, which lays the foundations for the equality of subjects whatever their identity, defining the principles of social equality, and of equal dignity and equality before the law. The development of intersectionality within Italian society and law was possible thanks to four main judicial decisions, which laid the foundations to fight discrimination against people in conditions of intersectional vulnerability.





These legal basis are:

- Court of Appeal of Milan, Labour Section, Judgment of 20 May 2016, n. 579. (intersection between gender and religion);
- Court of Brescia, Labour Section, Ordinance 23 August 2016. (intersection between migratory and social conditions);
- Court of Trento, Ordinance 31 July 2018 (intersection between gender and gender identity);
- Court of Appeal of Genoa, Civil Section III, judgment 26 August 2020, n. 80

In 2021 the Italian Parliament rejected the Zan Bill (D.D.L.), which provided for an intersectional perspective as an aggravating circumstance for those who commit violent or discriminatory acts against individuals belonging to LGBTIQ+ communities or towards disabled people, adding to that which currently it is the anti-discrimination law in force in Italy, the "Mancino Law" (Law 205 of 1993), which condemns and sanctions discrimination and violence for ethnic, racial, religious and national reasons, but which did not envisage an intersectional perspective on the matter, thus leaving a hole in Italian law. Another lack of opportunity to adopt the intersectional approach in Italy occurred previously, in 2018 in the field of international protection. Through the D.L. (Law Decree) 113/2018 implemented by Law 132/2018 the Italian government has introduced a list of 13 nations defined as "safe" regarding the political and social situation. This Law Decree was introduced with the aim of speeding up the waiting times for the analysis of the specific commissions of asylum applications, greatly accelerating the procedures for people from "safe countries" since at the center of a prejudice, that there is no real dangerous situation in the country of origin. The new law nowhere mentions the difficult conditions of LGBTIQ+ communities, of the female gender and of gender identity, which in all the nations included in the list are at the center of fragility and not real equality. Among the thirteen nationalities there are many that correspond to the origins of the main Roma communities in Italy: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. An important missed opportunity for Italy to guarantee rights and protect people by taking into account all their identities and not putting them at the center of a prejudice, relying only on the passport of origin, instead of verifying the veracity of their statements in requesting asylum.

III. Recommendations for Mainstreaming the intersectional approach

Actually, the intersectional approach in Italy is still very far from being spontaneously adopted in social planning and in the creation of new laws or in the revision of existing ones. Although the concept is spreading more and more at the academic level and in the world of activism, in particular that linked to gender issues and the queer world, the word "intersectionality" remains unknown to most of the population. The intersectional approach is mainly adopted in the planning and regulation (national and local) of migrant women or women with disabilities (mainly of a physical or motor type). However, this situation is in contrast with a country that for demographic reasons is at the center of a continuous movement, divided between an increasingly multicultural and at the same time increasingly elderly resident population. These conditions require an intersectional approach at the heart of the review of one's welfare policies, making them efficient and adequate for our times. Changing approach is not impossible, but it must be done in a gradual and culturally appropriate way, abandoning the old method of policy design in which identities at risk of vulnerability such as persons with disabilities, migrants, Roma, queers and old people were seen as independent of each other.

Recommendations:

1

Provide training in the field of anti-discrimination to professionals who come into daily contact with individuals with more than one identity at risk of discrimination: health personnel, social workers, lawyers and judges, police forces, teachers and educators.

2

Give visibility to people at risk of intersectional discrimination by stimulating the detection of the phenomenon by the National Institute of Statistics (Istat).

3

Introduce the concept of intersectionality in school and university programs, a theme that is completely absent today, often also in university courses where it should have an important role.

4

Create more lobbying and networking by associations (mainly those dealing with disability, gender and queer issues, migration, aging and Roma issues) towards institutions that demand greater inclusion and visibility of intersectionality within public policies, both in the creation of new laws and in the revisions of old ones.

5

Include the intersectional approach within the funding programs dedicated to social projects by local and national institutions.

6

Encourage social research with an intersectional approach for a better definition of existing needs, policies and good practices both at local and national level.

7

Design institutional social campaigns that have an intersectional approach thus allowing viewers to identify with them. At the same time, increasing the visibility of the phenomenon is a possible path of empowerment for those who no longer feel invisible, but represented.



IV. Measures

1

As with all minorities, the control of word of mouth within communities and the exchange of information is difficult to control. The occasions for recreational and ceremonial meetings are often the same and therefore many people know each other. This can be an element that can block Roma women victims of violence or in a situation of other vulnerability or LGBTIQA + Roma people who need some kind of support, from turning to anti-violence centers or associations, especially when using a "ethnic match" only for a linguistic question, without guaranteeing a safe space and without sufficient guarantees in preventing the circulation of information. .

2

Create specific communication campaigns that make Roma people with another condition at risk of vulnerability visible (for example the elderly, people with disabilities, women and LGBTIQA + people). This approach also allows those who experience intersectional discrimination firsthand to feel less alone and to know that their experience is taken into account by society and services. This is an important tool for personal empowerment as well as having mental health benefits of people as they are valued.

3

Guarantee access to services to Roma people without Italian citizenship, without residence or without residence permit who are subject to intersectional discrimination in Italy (anyone present on the national territory can access essential services and has the right not to be reported as illegal to police). This is often unclear and prevents people from asking for help, thus continuing situations of economic and psychological dependence and domestic violence that mainly affect women and people belonging to the LGBTIQA + community.

4

Inform people, in particular those belonging to the older generations who have less possibility of self-information through training courses and / or the Internet about the existing safeguards relating to their specific needs.

5

Consider the opportunity for Roma women and LGBTIQA + Roma people in Italy from non-EU territories to apply for international protection (asylum). Procedure justified precisely because of the intersectional conditions in which they live and the conditions of discrimination they experienced in the country of origin (especially for LGBTIQA + identities, many countries of origin of Roma communities in Italy, such as those of the Balkans, have unfavorable and still highly discriminatory conditions). This path is often not taken by associations, services and lawyers as it is erroneously considered not really supportive, especially after the inclusion in Italy in 2018 of the list of 13 countries considered safe.

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Acknowledgements :

The recommendations were drawn up on the basis of the arguments of the participants in the round tables and individual consultations envisaged by the Intersect Voices project.
We thank for the contribution:

- Maura Peppoloni (Organization “Unione Italiana Lotta alla Distrofia Muscolare Lazio”. In English: “Italian Union for the Fight against Muscular Dystrophy”)
- Tiziana Barrucci (Organization “Associazione Stampa Romana”. In English: “Roman Press Organization”)
- Carla Osella (Organization “Associazione Italiana Zingari Oggi”. In English: “Italian Gypsy Organization Today”)
- Marco Brazzoduro (Organization “Cittadinanza e Minoranze”. In English: “Citizenship and Minorities”)
- Cristina Leo (trans woman, Councilor for Social policies, Municipality VII, Rome)
- Laura Corradi (University professor and activist)
- Nicky Sarachella (Roma trans woman interested in activism)
- Licia Boccaletti (Organization “Anziani e non solo”. In English: “Elderly and not only”)
- Rebecca Graziosi (Organization “Anziani e non solo”. In English: “Elderly and not only”)
- Giorgio Bezzecchi (Organization “Romano Drom”)
- Cristiana Russo (Organization “Fondazione InterCammini”. In English: “InterCammini Foundation”)
- Monica Anfossi (criminal lawyer)
- Jonathan Mastellari (Organization “Intersectionalities and more”)
- Gennaro Spinelli (Organization “Unione delle comunità romanès in Italia”. In English: “Union of the Romani Communities in Italy”)
- Valentina Sejdic (Organization “Unione delle comunità romanès in Italia”. In English: “Union of the Romani Communities in Italy”, pre-school teacher)
- Anna Ventrella (Organization “Movimento di volontariato italiano Lazio”. In English: “Organization Italian Voluntary Movement Lazio”)
- Elisabetta Somaglia (architect and writer)
- Sorina Sein (independent activist and researcher)
- Giulia Bodo (Organization “Arcigay”)
- Natasa Firlovic (attivista indipendente)
- Silvia Altieri (journalist, social media manager)
- Paola Turrone (support teacher, recently retired)
- Simone Marsicano (taxi driver)
- Giulia Di Rocco (activist and President of the Romani party, recently constituted, “Mistipé”)
- Concetta Sarachella (activist, treasurer of the Romani party, recently constituted, “Mistipé”)
- Ilaria Schiaffino (social worker at V Municipality of Rome, area with high density of Roma people, proletariat and under class + Roma class)
- Marta Bonafoni (Regional Councillor, Lazio Region) (non inviare, fa Mirinda)
- Federica Donati (lawyer specialised in immigration law, also participating on behalf of the Regional Councillor Paolo Ciani - Lazio Region) (non inviare, fa Mirinda)
- Pietro Soldini (syndicalist at Trade Union “Confederazione Generale Italiana del Lavoro” – CGIL. In English: Trade Union “Italian General Confederation of Labour”)
- Monica Lozzi (President VII Municipality of Rome)
- Sara Ferri (activist, President of the Organization - Social Cooperative “Il gecko”, member of the political party “Sinistra Italiana”. In English: “Italian Left-wing”)
- Alessandro Pistecchia (Organization “Ufficio Nazionale Antidiscriminazione Razziale” - UNAR. In English: National Office of Racial Antidiscrimination) (non inviare, fa Mirinda)
- Ksenija Fonovic (Organization “Centro Servizi per il Volontariato del Lazio”. In English: Volunteer Support Centre Lazio Region)



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Jun 2022 Roma-Italy