

MY MOTHER WAS ROMA

*Adoptions of Roma children living in substandard housing in
the region of Lazio (2006-2012)*



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The research My mother was Roma

is dedicated to Giorgia.

Associazione 21 luglio

was born from the story of her adoption.

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INTRODUCTION

The presence of Roma minors represents a complex issue in the very articulated context of national adoptions. Several components render this matter difficult to approach: the sensitivity of the topic; the grief emerging from the documents, the stories, the testimonies; the discretionary power of the judges, whose verdicts, even though compliant with the law¹ – in absence of specific criteria, and in presence of only absolute principles – risk lending themselves to critiques, to misunderstandings by the families and to interpretations by the researchers. These are issues typical of any adoption proceedings. However, the cases of Roma children, differently from others, carry along issues that regard Roma communities in general, that also affect the lives of adults and that mark the modern and contemporary history of this minority²: difficulties in accessing rights, exposure to prejudices³, and poor social and housing conditions experienced by many families⁴. According to a recent research carried out in seven Italian juvenile courts⁵, these and other factors would contribute to rendering Roma minors "exceptions" – children "aside" – also within the juvenile justice system, so that a Roma child appears to be over 17 times more likely to be declared adoptable than a non-Roma child⁶. In light of such data, *Associazione 21 Luglio* considered it would be worthwhile to conduct a similar research on Roma minors declared adoptable in the Lazio region by the Juvenile Court

¹ In the matter of adoptions we refer to Law n. 184 of 4 May 1983 – *The Minor's Right to a Family*, amended by Law n. 49 of 28 March 2011.

² The term minority – which has been used in literature for decades to identify Roma living in Europe – is actually a dangerous term as, in a certain way, it disavows the extent of the Roma presence. Roma represent 1,37% of the total population of the States forming the Council of Europe: a seemingly low percentage which, in reality, refers to over 11.000.000 people who, currently dispersed and distributed in different states, if gathered in one country, would represent in terms of population, the 12th country of the Council of Europe (See: Piasere L., *Scenari dell'antiziganismo. Tra Europa e Italia, tra antropologia e politica*, Seid Editori, Florence 2012). Like in other countries in Italy the Roma presence does not have a compact profile, but a rather fragmented one, whereas the recognition and the protection of minorities living in our country are connected to the principle of territoriality. Identifying minorities with the territory – generally with the regions which enjoy a form of territorial autonomy – has led to the exclusion of Roma from the populations recognised and protected as minorities by Law n. 482 of 1999, *Norms on protection of linguistic and historical minorities* (Tavani C., *La protezione delle minoranze in Italia e il mancato riconoscimento della minoranza roma: ragioni e conseguenze*, European Diversity and Autonomy Paper, 03/2013). Since 1999 up until today, there has been no political will to extend this framework law also to the Roma community and, in any case, the debate on the appropriateness to recognise the Roma as a minority is still open and loaded with questions.

³ See: Sigona N., Clough Marinaro I., *Anti-Gypsyism and the Politics of Exclusion in contemporary Italy*, in *Journal of Modern Italy* 16 (5), 2011, pp. 583-589.

⁴ Currently it is estimated that between 130.000 and 150.000 Roma and Sinti live in Italy, of which 40.000 residing in the so called "nomad camps". See: Presidency of the Council of Ministers, *National Strategy for the Inclusion of Roma, Sinti and Caminanti communities. European Commission Communication No. 173/2011, 28th February 2012*; ec.europa.eu/justice/discrimination/files/roma_italy_strategy_it.pdf

⁵ Saletti Salza C., *Dalla tutela al genocidio?*, CISU, Rome, 2010.

⁶ Compared with their peers, Roma children are children who are discriminated against in access to several fundamental rights recognised by the International Convention on the Rights of the Child: the right to housing, the right to education, the right to health, the right to play, the right not to be discriminated against. See: *Associazione 21 luglio, Rom(a) Underground*, February 2013.

of Rome⁷. The empirical inquiry was carried out between November 2012 and May 2013, whilst the elaboration of the data and the drafting of the report ended in July 2013.

The initial objective of the research was to trace the dimensions of the phenomenon, and namely to find out how many declarations of adoptability affected Roma in the period 2006 – 2012, and to understand whether Roma children were, in proportion, more or less likely to be declared adoptable than their non-Roma peers. The second aim of the research was to review the case files of all Roma minors, in order to examine the verdicts and ultimately understand the circumstances in which they are declared adoptable. During the research, and on the basis of what emerged during the interviews and from the analysis of the files, the most burning question concerned the role of prejudices in the social and judicial interventions: to what extent are the assessments and the socio-environmental investigations carried out by the social workers affected by a monolithic and absolute vision of the Roma? And, on the contrary, how much attention is paid to the material and socio-economic conditions, and to the diverse cultural traits of these communities? What role may the recourse to and the use of the concept of "Roma culture" play when dealing with cases of minors? In the course of the development of the cases, are Roma parents considered inadequate or is it the Roma culture that is perceived as detrimental and inadequate? Do the grounds for opening adoption proceedings as well as the outcomes of such proceedings, take into account the socio-economic exclusion of Roma families?

In the attempt to answer such questions, *Associazione 21 luglio* counted the verdicts of adoptability concerning Roma and non-Roma minors, reviewed the case files concerning Roma minors declared adoptable, and further analysed a sample through the study of individual stories. Along with the collection of data, in-depth interviews were carried out with the following practitioners: lawyers, public prosecutors, judges, social workers, hospital social workers, managers of family-homes, privileged observers, and social mediators.

In the following report, the first part is introductory and it describes the research framework: the historical evolution of the role of juvenile courts and the nature of the measures that can be taken in cases of minors deemed in a condition of material or moral neglect. This first part ends with data on Roma minors declared adoptable by the juvenile courts in several Italian cities: these are data drawn from the research "*Dalla tutela al genocidio?*"⁸ ("From protection to genocide?") and they are at the basis of the present inquiry.

The second part of the report gets to the heart of the empirical study carried out by *Associazione 21 luglio* in the Roman and Lazio contexts. After explaining the purpose, objective and methodology of the research, the report presents the results of the quantitative inquiry, i.e. the number of Roma children declared adoptable between 2006 and 2012, devoting particular attention to the relation between such data and the total number of declarations of adoptability concerning non-Roma minors in the same period of time. The quantitative results are accompanied by the presentation of what emerged from the examination of the verdicts

⁷ As it will be explained later, the declaration of adoptability is the result of a judicial process that concern a minor deemed in a condition of moral or material neglect within a family that is either absent or unable to modify their behaviour and for whom adoption becomes the only possible way ahead.

⁸ Saletti Salza C., *Dalla tutela al genocidio?*, CISU, Rome, 2010.

regarding Roma children declared adoptable,⁹ and by the in-depth analysis of a selected sample of 49 cases. The report dedicates considerable space to the stories of children declared adoptable, to the recurring elements in the development of their cases, to the most frequent reasons for which Roma minors are reported to judicial authorities, to the terminology used by the social workers in the reports presented to the judges and to the wording of the verdicts. This part of the research has the specific purpose of tracing some of the causes of the widespread phenomenon of Roma adoptions, i.e. the most frequent reasons for the removal of these minors from their families of origin, and the most common reasons of their adoption. As a matter of fact, the analysis presented here below aims to provide a knowledge base for the possible implementation – within juvenile courts, social services and Roma communities – of policies and practices that could lead as much as possible to the de-escalation of the phenomenon, in line with the principle of the best interests of the child.

The research ends with the qualitative angle of the inquiry: with the support of the words, opinions, and viewpoints of social workers, judges, public prosecutors, lawyers, social mediators and managers of family-homes, we attempt to provide an interpretation of the results emerged from the quantitative inquiry, to determine the presence, or not, of prejudices among institutional and non-institutional actors, and to study in depth the dynamics hiding behind the declarations of adoptability.

⁹ Except for those that were untraceable. These are the case files of 30 minors: some of them were not available at the time of the research because they were at the Court of Appeal; others, concerned minors who are no longer identifiable because, following their placement in the adoptive family, they lost their original family name.

PART ONE

THE LEGAL FRAMEWORK OF THE RESEARCH

1. DESCRIPTION AND PURPOSE OF JUVENILE COURTS

In the context of Western Europe, Italy has been one of the last countries to set up a court specialised in matters of juvenile justice.

The need to set up an *ad hoc* judicial organ had been the subject of a long political debate since 1908. As a matter of fact, the living conditions of many minors had dramatically changed due to two phenomena: the decrease of child mortality and the extraordinary process of urbanisation of families coming from rural areas. Driven by expectations of a better life, these family groups, often moving from shanty towns, accepted to live in extremely uncertain socio-economic conditions and to delegate the education and the up-bringing of their children to street life. Faced with the increasing difficulties suffered by these children, the juvenile justice system aimed at making sure that the dysfunctions caused by inequalities in the social system did not afflict the most vulnerable individuals, such as the children, and at treating with particular care situations of child neglect, as well as cases of juvenile delinquency¹⁰.

However, the early form of juvenile courts, as we know them today, only dates back to 1934: set up at the peak of the Fascist regime, their aim was to re-educate *corrupt minors*. These institutions, as well as the *Opera Nazionale per la Protezione della Maternità e dell'Infanzia* (National Charity for Mother and Child Protection) and the *Patronati per l'Assistenza* (Charity Institutions for Assistance), represented one of the many institutional mechanisms of the fascist dictatorship, which were directed at «controlling and guiding the youth in an organic and comprehensive way»¹¹. It is only during the sixties that the juvenile justice system shifted the focus of its action from re-education to protection of minors. The establishment of pedagogical and psychological sciences had favoured the diffusion of a child-centred vision, attentive to children's needs and to the so called *best interests of the child*. Early childhood begins to be considered as a fundamental period of life for building the individual personality, and the child as a person, not only receiver but co-protagonist of his/her own educational path¹². In the last forty years, besides the right of the child to a family, the right of adults to parenthood has also emerged. This right arises from the widespread wish to have adoptive children in response to increasing difficulties in having children naturally. From an occasional practice, adoption has become a way generally used to set up a family when it is not possible to have so called natural children¹³, and it has consequently reached a global

¹⁰ See: Ianniello R., *Istituzione ed evoluzione del tribunale per i minorenni*, in Ianniello R. & Mari L. (Ed.), *Minori, Famiglie, Tribunale. Verifiche, sostegni e interventi sulle famiglie in difficoltà nell'attività del Tribunale per i minorenni*, Giuffé Editore, Milan, 2007.

¹¹ Ianniello R., Mari L. (Ed.), *idem*, p.31.

¹² Di Silvio R., *Parentele di confine. La pratica adottiva tra desiderio locale e mondo globale*, Ombre corte, Verona, 2008.

¹³ Briggs L. & Marre D., *International Adoption: Global Inequalities and the Circulation of Children*, New York University, 2009, p. 1.

dimension. Nowadays the phenomenon of international adoptions is so significant that since the eighties it has been defined as a "silent migration".¹⁴ The decrease in birth rates in the West, the expansion of economic and political crises in some areas of the world, the multiplication of organisations and professions specialised in adoptions, have greatly facilitated the transnational movement of minors and, currently, international adoptions involve nearly 100 countries and thousands of organisations¹⁵. Like in other countries, Italian juvenile courts also deal less and less with adoptions of minors coming from the Italian territory and increasingly with adoptions of minors coming from foreign countries¹⁶: between 1998 and 2004 only, international adoptions increased by 54%, the main areas of origin being Romania, China, the former USSR countries, India and Colombia.

Italy has been experiencing a drop in the national birth rate as a result of several variables, among which the postponement of the first maternity: in 2011 the average age of Italian women at first childbirth was 32, and 7,7% of children were born from an over-40 mother. The increased maternal age at first childbirth contributed to lowering fertility rates and, today, the average number of children per woman is 1,3¹⁷. The decline of births in our country led to an increase in the demand of adoptions which, in light of the low birth rate among Italians, necessarily turned towards two categories of children: foreign minors living in foreign countries – and therefore included in international adoption paths – and minors living on the Italian territory – thus to be adopted domestically. Adoptions of Roma children are half way between domestic and international adoptions: as explained below, they reproduce dynamics typical of international adoptions even though they concern children born and raised on the Italian territory.

2. FROM THE REPORTING OF MINORS TO THE DECLARATIONS OF ADOPTABILITY: THE PROCEDURE BEFORE THE JUVENILE COURTS

Before presenting data and analyses, it is worthwhile illustrating briefly the work of the juvenile courts and the instruments for the protection of the rights of the child available to the judges.

Adoptions represent the outcome of a judicial procedure which usually stems from the reporting of a minor deemed to be in a state of neglect. Whoever becomes aware of cases of child neglect or abuse – children or parents themselves, private citizens, teachers, social workers, doctors, etc. – is entitled to report them; the reports must be communicated to the public prosecutor's office in the juvenile court. Reporting such cases is compulsory for public officials and other individuals in charge of public services.

Once the report has been received, the president of the court designates a judge for the preliminary inquiry, which has the purpose of verifying the state of neglect. At the opening of the procedure the minor's parents or, in their absence, the relatives within the fourth degree,

¹⁴ Weil R., *International adoption: the quiet migration*, in *International Migration Review*, vol. 18, 2, 1984.

¹⁵ Di Silvio R., *op.cit.*, p. 27.

¹⁶ *Idem*.

¹⁷ Data are drawn by the ISTAT report *Natalità e fecondità della popolazione residente*, year 2011. <http://www.istat.it/it/files/2012/11/nati-2011.pdf>.

are informed about the procedure and are invited to appoint a defence attorney. The judge in charge of the case is entitled, depending on the specific circumstances, to take immediate measures: if, for instance, the judge is dealing with the case of a minor who was not acknowledged by his/her natural parents, he/she can proceed with the declaration of adoptability, without opening an inquiry. However, in most cases, the assessment of the state of neglect is done within families who did acknowledge their child. In this circumstance, the case proceeds with the verification of the state of material or moral neglect of the child and of the level of responsibility of the parents, in other words, the extent to which the harm suffered by the minor is attributable to the family. The expression "state of neglect" means «the effect of a substantial and persistent abuse suffered by the minor during a period of time: the arise of a situation in which the child is immersed and from which he/she cannot escape without the help of others; a situation that every member of the family contributes to, in various extents and with different behaviours and omissions, which severely interferes with the child's possibility to evolve, to the point that, if it is not removed, the child's development itself is greatly compromised».¹⁸ The assessment of child neglect is responsibility of the local social services and of the public security authorities.

Once child neglect is ascertained, the most immediate protective measure that the juvenile court can adopt consists in limiting parental authority. In presence of omissions or serious and reiterated abuses, the interventions on the parents become more severe and they may reach forms of removal of the minor from the family of origin, up to the termination of parental authority.

Article 1 of the Law on Adoption¹⁹ sets the principle that every child has the right to be raised and educated within his/her family. This principle is nevertheless recessive with respect to the priority objective of the protection of the child's interests, and must be sacrificed when the extent of the material and moral care that the family is able to provide, falls below the minimum threshold essential to guarantee the child's psychological and physical development²⁰. However, the Law on Adoption does not indicate precisely where the minimum threshold beyond which the child's full development is deemed denied lies, and how this is characterised. A wide margin of appreciation is therefore left to the judges' interpretation and discretion. A very significant point concerning the topic of adoptions of Roma minors, is that poverty, as well as the material or cultural limits of the family of origin, cannot represent a sufficient reason to declare the state of child neglect. The declaration of the state of neglect is the precondition for the declaration of adoptability²¹. According to the jurisprudence²², in order to protect the right of the child to be raised within his/her family, the role of social workers should be to intervene on the family's disadvantage and difficulties – in order to remove the obstacles to parenthood – rather than to simply record the parents' failures: social services should prevent rather than intervene. If, despite the support provided, the family environment continues to remain inadequate, then the child might be temporarily entrusted to either a family other than that of

¹⁸ Ianniello R., *Il procedimento di adottabilità*, in Ianniello R. & Mari L. (Ed.), *Minori, Famiglie, Tribunale. Verifiche, sostegni e interventi sulle famiglie in difficoltà nell'attività del Tribunale per i minorenni*, Giuffé Editore, Milan, 2007, p.23.

¹⁹ Law n. 184 of 4 May 1983 – *The right of the child to a family*, modified by Law n. 149 of 28 March 2001.

²⁰ See: Cass. Section 1, Verdict n. 1996 of 01/02/2005.

²¹ See: Cass. Section 1, Verdict n. 2811 of 09/04/1988.

²² See: Cass. Section 1, Verdict n. 7115 of 29/03/2011.

origin, or to a single person²³. If family based foster care is not possible, the minor is placed in a family-type community.

Once family based foster care or placement in a social-care institution has been activated, the social services have the responsibility to monitor the placement, to set up a support programme for the family of origin – aimed at overcoming their condition of disadvantage – and to send bi-annual reports on the implementation of the support programme to the juvenile court. The verdicts of the judges are mainly founded on these reports: therefore, these reports have a fundamental role and they have the power to affect the development of the case and the future of the minor, as well as that of the parents. If it becomes apparent from the social workers' reports, that child neglect endures – and in case it cannot be attributed to transitory reasons of *force majeure* –, the abuses or the neglect are so severe that they jeopardise the child's possibility to evolve and they determine the interruption of his/her physical, psychological and emotional growth, then the juvenile court proceeds with the declaration of adoptability²⁴.

The juvenile justice system is geared towards the defence of civil liberties, in that judges should try as much as possible to protect the "blood tie" between parents and children. In this phase of the preliminary inquiry, many safeguards and caveats are in place to prevent shallow and hasty decisions, for example:

- there is an obligation to hear in court any relatives within the fourth degree of kinship who have a significant relationship with the minor;
- if the above mentioned relatives are not heard, a possible subsequent declaration of adoptability is null;
- if the families are not notified about the procedure, a possible subsequent declaration of adoptability is null;
- children who are at least 12 years of age may be heard in court;
- if deemed in the best interests of the child, the procedure can be suspended for maximum one year and the suspension can be further extended. During the suspension period, orders may be imposed to the parents and the local social services may be entrusted with supporting and monitoring the parents in complying with these orders. Non-compliance with the orders might lead to a subsequent declaration of the status of adoptability. The length of the period within which the family must change their behaviour or some of their life conditions, depends on the discretion of the judge, who – in the absence of legal or jurisprudential points of reference – sets the timeframe based on the circumstances, the orders and the needs of the children.

The declaration of the status of adoptability represents an extreme remedy and the blood tie is an aspect in a person's life that should always be protected; thus, especially in this phase, the judge should be particularly rigorous in assessing the best interests of the child. The child's interest is ascertained not only in relation to the parent's behaviour, but also in relation to the minor's reaction: the assessment of parental inadequacy cannot alone constitute a premise for the declaration of adoptability, unless it is demonstrated that this compromises the child's

²³ All the measures limiting or excluding parental authority, declaring its termination, or ordering foster care, are revocable, because these measures are precautionary and temporary by nature.

²⁴ See: Art. 8, Law n. 184 of 4 May 1983 – *The right of the Child to a Family*, modified by Law n. 149 of 28 March 2001.

balanced development. Indeed, the declaration of adoptability of a child is not sufficient to automatically infer the state of neglect of another child belonging to the same family. In other words, even in a problematic family, if the child does not risk moral or material damage, adoptability cannot be declared. On the other hand, when it is declared, adoptability does not necessarily lead to the interruption of the relationship between parents and children. What happens automatically is the suspension of parental authority, so that the minor is no longer represented by his/her parents, but by a guardian. Three scenarios might follow the declaration of adoptability:

- the revocation of the declaration of adoptability – the family of origin has a right to file an appeal to the Court of Appeal and, later, if the verdict is confirmed by the Court of Appeal, also to the Court of Cassation;
- a prolonged stalemate, during which the minor is not adopted by a new family but does not return to the family of origin either: this is the case of minors who, due to their conditions, age or the nature of the abuse suffered, cannot be easily placed into an adoptive family: thus the minor remains in a sort of indefinite limbo until he/she reaches legal age;
- pre-adoption foster care, which may last from 12 to 20 months²⁵. After being placed in pre-adoptive foster care, the minor cannot return to his/her family of origin: the adoption is no longer revocable and the "blood" ties between the child and the birth parents are cut off for ever.

²⁵ It is important to stress that, in this phase, the future adoptive parents can decide at any moment to interrupt the pre-adoptive foster care.

PART TWO

THE RESEARCH: MEANING, OBJECTIVE AND METHODOLOGY

*“Often the wolf sings in my blood
and then my soul opens
in a foreign language”.*
(Mariella Mehr)²⁶

1. WHY A RESEARCH ON ROMA CHILDREN DECLARED ADOPTABLE? THE CASE OF SOME ITALIAN CITIES

The flow of minors from families belonging to minority groups towards families or institutions belonging to the majority society, may take the features of a struggle against and for identity when such flux becomes significant and systematic²⁷.

Over the last century, in three different continents and three different periods, the world witnessed the massive removal of children belonging to cultural minorities by local social services. It is the case of about 100.000 native Australians, of over 580 *jenische* in Switzerland and over 11.000 Indian-American in Canada²⁸, all removed from their families of origin and placed into institutions and families belonging to the majority society. The governments of these countries have recently offered their official apologies to the members of these minorities and sometimes they have acknowledged the assimilationist intent of those removals, responsible of and ascribable to a sort of cultural genocide²⁹. Beside these three events, there is the case of 700 Croatian Roma minors who, during the World War II, were forcibly taken away from their parents to be given in custody to German couples who could not have children. Rasim Dedich was one of these children; he reports that German couples visited the Jasenovac concentration camp – organised by the Croatian government, led by the members of the collaborationist and Nazi sympathiser Ustaša movement – to personally choose the children that they would take to Germany with them³⁰.

Nowadays in Italy, notwithstanding sharp and evident differences, Roma children appear to be protagonists – often passively – of a unidirectional movement from Roma families towards non-Roma families; this movement originates from within the juvenile justice system. Since reality is changeable and varied, and each case presents its own dynamics, the causes of such a flux are various, complex and, in no way exclusively imputable to either the Roma, or the authorities, or a single individual.

²⁶ Mehr Mariella, *Notizie dall'esilio*, Effigie Edizioni, 2006.

²⁷ See: Piasere L., *Scenari dell'antiziganismo. Tra Europa e Italia, tra antropologia e politica*, Seid Editori, 2012.

²⁸ *Ibidem*.

²⁹ *Ibidem*.

³⁰ See: Polansky P., *One blood, one flame: the oral histories of the Yugoslav gypsies before, during and after WWII*, Volume III, Kosovo Roma Refugee Foundation, 2008, pp. 12-20.

However, according to a study covering a 21 year time-frame, Roma children are 17 times more likely than their non-Roma peers to be declared adoptable³¹. In Italy there are 29 juvenile courts; between 1985 and 2005, 7 Italian juvenile courts – the Courts of Turin, Florence, Naples, Bologna, Venice, Trento and Bari –declared the status of adoptability for 258 Roma minors³². These children and adolescents represent 2,6% of the total number of minors declared adoptable by the mentioned courts in that particular timeframe. The percentage is remarkable, as the Romani population in Italy represents about 0,2% of the national population, and thus, in proportion, Roma minors declared adoptable in the covered period, should have been no more than 13: a number 17 times lower than the real one.

Based on an in-depth analysis of the registers in which the data on the minors declared adoptable are recorded, and of some case files, Carlotta Saletti Salza observes that the approach of the authorities represents a critical aspect in this phenomenon. In some cases the adoption of Roma minors appears to be the outcome of family histories characterised not by parental neglect but by material inadequacy, poverty and housing uncertainty, and affected by the lack of an organised and efficient social intervention. Although testimonies were heterogeneous and diverse, an approach sometimes altered by cultural prejudices emerged during the interviews carried out with social workers and judges. The connection between child neglect and an alleged feature of the Roma culture, which would naturally lead to child neglect, recurs not only in the reported interviews, but also in the reports of the social workers and in the verdicts of the judges. *Vis a vis* situations of simple material disadvantage, the origin of the risk situation for the minor is attributed to the "Roma culture", conceived as univocal and ontologically detrimental. Thus, pursuant to the representation of Roma as a group "culturally" unfit to raise children, the removal of the child risks to replace the social intervention, somewhat relieving the authorities from their duties. In this way, the gap in social and civil safeguards is bridged by the judicial protection. The book's title, "*Dalla tutela al genocidio?*" (From protection to genocide?), is emblematic, since it recalls the sense of the research results: the author wonders which direction the phenomenon of Roma adoptions is taking and whether the protection measures for Roma children are involuntarily moving towards the annihilation of Roma cultures. The question mark in the title is fundamental.

In light of the results and the considerations made by Saletti Salza in her analysis, it appeared necessary to carry out a similar research in the Juvenile Court of Rome. This court was not included in the mentioned research, since in 2006 its president at the time denied permission to conduct the inquiry in consideration of the sensitivity of the data³³. Since 2009 the court has been presided by judge Melita Cavallo, who gave the authorisation to carry out the research. A precious authorisation, since the Roman and Lazio contexts represent an important field of study on Roma issues. Indeed, the city of Rome hosts the greatest number of Roma living in substandard housing in Italy³⁴: about 8.000 people, 20% of the total residing in the country³⁵. Moreover, it is a city where the existence of such communities has been marked

³¹ Piasere L., *I fanciulli della tredicesima notte*, in Saletti Salza C., *op.cit.*, CISU, Roma 2010.

³² Saletti Salza C., *op.cit.*, CISU, Rome 2010.

³³ *Idem*, p. 53.

³⁴ The choice to exclude Roma people living in ordinary homes from this analysis is explained in the next chapter, in the section regarding the research method.

³⁵ About 40.000 Roma appear to live in the Italian "camps", 20% of whom concentrated in Rome. See: Senate of the Republic, XVI Legislature, *Rapporto conclusivo dell'indagine sulla condizione di rom, sinti e camminanti in Italia*, approved by the Special Commission for the protection and promotion of

for almost 20 years, by one homogeneous and specific housing policy: the policy of the "camps". Such a policy is very important for the purposes of the analysis here presented, since it is also because of their poor housing conditions that Roma children – as it will be explained later – are often declared adoptable.

2. THE HISTORY OF ADOPTIONS AS A POLITICAL HISTORY

Differently from what it might appear, adoptions do not represent an issue ascribable only to the intimate, private and individual sphere of a family. On the contrary, in some areas of the world, adoptions are a practice with social and collective meaning: in many communities the bond created by adoptions represents an "important instrument [...] to shape the social identity of the whole group"³⁶, to strengthen and increase prosperity and to extend the power of the family's network. Usually in these cases, adoption models are designed according to the groups' internal disparities so that, due to their economic conditions, the most vulnerable categories – such as unmarried women or young couples – have to give up their children to members of the most powerful categories – such as the elderly or influential couples³⁷. Likewise, the history of international adoptions shows that these are a much wider phenomenon than it is believed, and that they can become an instrument of foreign policy as well as an indicator of power relations among states. Often the "receiving" countries have interests or a geopolitical role in the "donor" countries and, in this context children are often social orphans before being parentless minors. Indeed, in the world and throughout history, the flux of minors retraces the geography of transnational imbalances, moves from the poorest states towards the richest, especially in conjunction with disasters and disadvantages provoked by the latter at the expenses of the former. In the colonial era, in South-East Asia, mixed relationships between colonisers and local women were frequent: children born by mixed couples were forcibly removed from their mothers and taken to European religious institutes. This practice – also common in other continents and typical also of other ages – reflected the philanthropic need to assist children who were actually not abandoned and, at the same time, represented an instrument for the affirmation of the standing of the "white" man, whose supremacy was asserted through the removal of children from a context deemed inadequate and morally dangerous³⁸. The removal of the child from his/her mother became then the removal of the child from the culture of origin, deemed negative for his/her development. In England, after the end of World War I, the Fight the Famine Council was established. It was a committee set up to fight the famine hitting German and Austrian children, who had been reduced to poverty by one of the many commercial blocks promoted by England itself. Nevertheless it is only after 1945 that international adoptions take a very large and global character: the first flux which, according to

human rights on 9 February 2011, Rome;

<http://www.senato.it/documenti/repository/commissioni/dirittiumani16/Rapporto%20conclusivo%20indagine%20rom,%20sinti%20e%20caminanti.pdf>

³⁶ Callari Galli M., *Una prospettiva antropologica nella famiglia adottiva multietnica*, in *Prospettive assistenziali* n. 119, July-September 1997,

http://www.fondazionepromozionesociale.it/PA_Index/119/119_una_prospettiva_antropologica.htm

³⁷ See for instance, Weismantel M., *Food, gender, and poverty in the Ecuadorian Andes*, Prospect Heights (IL), Waveland Press, 2001.

³⁸ Di Silvio R., *op.cit.*, pp. 64-66.

the literature, can be defined as the first case of international adoptions, concern the 5.000 orphans who left the countries devastated by the WWII heading towards the United States³⁹. During the Cold War period, the USA continued to be the protagonists of international adoptions. Between the fifties and the nineties, depending on the conflict areas, American families enthusiastically participated to the international adoption campaigns promoted by the USA for children coming from countries afflicted by the wars that they had themselves promoted. An emblematic case is that of the 2.000 Vietnamese orphans who, starting from 1975, when the war in their country ended, were gathered from Saigon's streets and taken to Europe, the US and Canada⁴⁰. In the same years, in some contexts, the removal of minors represented a political instrument of terror, as in the case of the kidnapping by local governments– followed by transnational adoptions – of children of communist militant activists and of members of the opposition in Argentina, Paraguay, Nicaragua, Chile, El Salvador etc.⁴¹ In the same period, as evidence of the fact that adopted children come from international areas as well as from subordinate and vulnerable social groups, the number of white children adopted in the USA decreased drastically: North-American women were experiencing in that period a sudden inclusion in the labor market – thus the choice of maternity did not depend only on the economic stability of their partner – and an increased control over their own sexual life – due to the diffusion of contraception.

The places of provenance and destination of minors often coincide with areas tied by unfair, conflicting and unequal power relations. The flux of minors from one area of the world to another somewhat recalls the existing power dynamics in international relations. The analysis here presented does not intend in any way to judge negatively the valuable practice of international adoptions. What we want to emphasise, is that adoptions crossing cultural, political and national boundaries have an ambivalent nature and might become at the same time, "an act of violence and an act of love, an excruciating rupture and a generous incorporation"⁴².

3. INQUIRY ON ROMA MINORS IN ROME

Similarly to internationally adopted children – coming from areas of the world where poverty is worsened also by the foreign policies of the same countries requiring adoptions, – Roma minors appear to be placed for adoption also because of the material conditions in which they live, which are the effect of the local policies of the majority society. The same dynamics typical of international adoptions seems to recur within the Italian society, between the non-Roma majority and the Roma minority. Adoptions of Roma children in Italy have a peculiar character, since they are formally domestic but they are substantially international: these

³⁹ *Ibidem*.

⁴⁰ Some witnesses denounced at the time that these children were taken from Saigon's streets without attempting to search for their parents. See: Warren A., *Escape from Saigon: A Vietnam War Orphan Becomes an American Boy*, Farrar, Straus and Giroux, New York 2004. Similar mechanisms took place earlier during the Korean War.

⁴¹ Asociación de Abuelas de la Plaza de Mayo, *Filiación, identidad, restitución*, El Bloque Editorial, Buenos Aires, 1995.

⁴² Turner Strong P., *To Forget Their Tongue, their Name and Their Whole Relation Captivity, Extra-Tribal Adoption and the Indian Child Welfare Act*, in Franklin S. & McKinnon S. (Ed.), *Relative Values: Reconfiguring Kinship Studies*, Duke University Press, 2002.

adoptions regard children born and grown up on the national territory, with an Italian culture, yet often legally invisible, because they are *de facto* stateless or because they belong to another country, as if the legal, physical and social spaces they occupy was "foreign land", alien to the Italian society. These spaces are the "nomad camps", boundary areas of exception and scrap, invisible to those not living there⁴³.

Over 4.000 Roma children and adolescents live in substandard housing in Rome. The poor conditions of the housing units, often located in extra-urban areas, in spaces hidden, dangerous and characterised by critical hygienic and sanitary conditions, easily result in social and schooling exclusion, generate hygienic emergencies and put Roma children in a continuous state of existential uncertainty⁴⁴.

Problematic conditions of life are experienced in all the various housing solutions which, depending on their nature, were either supported or opposed by the municipal administration in office at the time of the research⁴⁵, as well as by the previous administrations. «Equipped villages», "tolerated camps" and informal settlements are the three housing typologies where Roma lacking adequate housing live in Rome.

The Roman municipal administration has been intervening in these spaces for almost 20 years now. The «equipped villages»⁴⁶ are the sites reserved by the authorities to the Roma and, as such, they are the only public spaces where Roma lacking adequate housing are legitimized to reside; at the time of the research, municipal funding was mainly used for their maintenance and expansion. The "tolerated camps"⁴⁷ are areas usually, but not always, occupied by the Roma and over the years the authorities have started to "tolerate" their existence; the municipal administration in office at the time of the research decided that all the "tolerated camps" should be dismantled. The informal settlements are the micro camps occupied by Roma families who, between 2008 and 2013, were the target of an intense evictions campaign. On the occasion of some of the around 500 evictions carried out in the capital under the last municipal administration⁴⁸, in the face of the material hardship suffered by the Roma families, Sveva Belviso, at the time deputy mayor and also councillor for social policies – reaffirmed time after time the need to resort to article 403 of the civil code providing for the removal of children from their families⁴⁹. In her first statement in this regard, she asserted: «Up until today this

⁴³ Piasere L., *op.cit.*, 2012.

⁴⁴ The living conditions of Roma children living in substandard housing in Rome are widely documented in Associazione 21 luglio, *Rom(a) Underground*, February 2013.

⁴⁵ The research was drafted between 2012 and 2013. The administration at the time (2008-2013) was centre-right, and it was headed by mayor Gianni Alemanno, representative of the *Popolo della Libertà* (party of the People of Freedom).

⁴⁶ The "equipped villages" in Rome are: La Barbuta, Salone, Gordiani, Candoni, Lombroso, River, Castel Romano, Cesarina.

⁴⁷ The "tolerated camps" in Rome are: Monachina, Salviati I, Salviati II, Foro Italico, Spellanzon, Arco di Travertino, Sette chiese and Ortolani.

⁴⁸ The number of evictions reported here is based on a calculation done by Associazione 21 luglio, whilst the last municipal administration maintains that during its 5 years of administration (2008-2013) over one thousand evictions were carried out.

⁴⁹ Article 403 of the civil code, *Intervention of the public authority in favour of minors*: "When the minor is either morally or materially neglected or is raised in unhealthy and dangerous places, or by people incapable of providing for his/her education due to negligence, immorality, ignorance or other reasons, the public authority, through the agencies for the protection of childhood, place him/her in a safe place, until it is possible to ensure his/her protection in a permanent way".

article has been used only in cases of serious abuse of the children, for those presenting bruises, injuries etc. [...] but it has never been used for the nomads. However, in my opinion –having visited and seen the nomad camps, and seeing the living conditions there – dwelling under a tent arranged in an emergency, without heating, lighting and water, often alone, in a state of neglect, because parents leave to work or beg, is a serious deprivation for children»⁵⁰. A month after this statement, in March 2011, Sveva Belviso renewed her commitment to remove Roma minors from their respective parents if they were unable to guarantee adequate material resources to their children: «[It was decided] to carefully monitor the illegal camps and to report cases of children who are forced to live in a condition of moral and material deprivation, of neglect and uncertainty, to the Councillorship and to the social services »⁵¹. It is interesting to note that the use of the term «forced» seems to suggest the intention of the parents to deliberately impose a life of destitution to their children. A few weeks later, the deputy mayor reiterated the threats to Roma: «All the evicted people have been included in the census and they have been warned that if they are found again on the territory of the capital living with minors in the same destitute conditions, the procedure 403 of the civil code, providing for child protective custody by social welfare services, would be activated immediately »⁵². Afterwards, commenting an eviction, the deputy mayor stated that, during its execution, Roma women were required to sign a document by which “they commit to ensuring that their children live in a safe place, and accept, in case of a new check confirming a situation of destitution, the entrustment of the children to the municipal social welfare services»⁵³. The last comment in this regard dates back to 10 April 2013: the deputy mayor stated that «[Roma] must abide by the law and respect the minors who, if found in destitute conditions, are taken to family-homes. I want to stress that it is not a matter of being nasty but of safeguarding minors»⁵⁴.

Article 403 of the civil code⁵⁵ provides that a minor is deemed at risk and should be placed in a safe place when he/she is morally or materially neglected, when he/she is raised in unhealthy or dangerous places, or when parents are unable to raise him/her because of immorality, ignorance, or negligence. According to article 8 of the Law on Adoption though, child neglect, the premise for the removal of the child, can be declared only if the lack of or the inadequate assistance by the parents, is not due to *force majeure* and it is doomed to persist unchanged in time. Also, according to article 1 of the same law, no child can be removed from his/her parents only because they are poor. In Rome the poverty and material neglect in which many Romani communities live, have deep-seated origins and are difficult to explain. However, it seems evident that the housing policies implemented on the sites occupied by Roma also affect their life, their social inclusion, their education, their access to the labor market and gender equality⁵⁶. The material want, if temporary, cannot be a reason for child removal. Since

⁵⁰ Online News, *Nomadi, parla l'assessore Belviso: «Ora intervenga il Tribunale dei Minori »*, 9 February 2011.

⁵¹ Il Tempo, *Bimbi rom, Belviso: “Salviamoli dai genitori aguzzini”*, 17 March 2011.

⁵² La Repubblica, *Belviso: “in campo via Cluniacensi 60 minori a rischio”*, 22 April 2011.

⁵³ Il Messaggero, *Rom, sgomberato campo alla Muratella. Alemanno: usata logica della solidarietà*, 21 June 2011.

⁵⁴ Leggo Roma, *La vicesindaco: Stop al degrado. Belviso: «Il merito è tutto del nostro piano nomadi»*, 10 April 2013.

⁵⁵ The civil code entered into force officially in 1942, thus even before the Italian Constitution which entered into force in January 1948.

⁵⁶ The tight bond between the institutional space of the “camps” and the kind of life experienced by the members of some Roma communities is situated in the joining point between the concept of

almost 20 years, emergency housing solutions have become permanent, because no policy taking distance from the premise – both conceptual and architectural – of the “camps” has ever been announced or initiated. Several researches point out that the spaces for which the Municipality of Rome spends an enormous amount of resources,⁵⁷ present characteristics which jeopardise the enjoyment of the rights of the child, expose children to risk situations, aggravate exclusion, threaten health, and discourage schooling. The adjectives *unhealthy* and *dangerous* have been used above, because they are used in article 403 of the civil code to define the places unsuitable to childhood and adolescence. Yet these adjectives perfectly describe also the housing conditions funded through the various *Nomad Plans* that year after years followed one another in Rome.

The next few lines convey the meaning of what has been stated so far. The Salone «equipped village»⁵⁸ is located a few hundred meters from an incinerator dealing with toxic and noxious waste disposal: the surveys of the ASL (the local health unit) indicate that the incidence of cancers and lymphomas in the area adjacent to the incinerator, can be even 156% higher than in the rest of the Roman territory⁵⁹. The La Barbuta «equipped village»⁶⁰ lies on a former waste dump of asbestos cement – today decontaminated – and within the flying cone of the Ciampino airport, characterised by high acoustic and environmental pollution⁶¹. The Castel Romano «equipped village»⁶² is located along an extra-urban motorway, the via Pontina, which has no sidewalks and where there is no public transport accessible to the inhabitants of the “camp”. In the Cesarina «equipped village»⁶³ there are no private toilets and about 180 people

heterotopia (Foucault M., *Spazi altri. I luoghi delle eterotopie*, in Vaccaro S. (under the supervision of), Milan 2008; *Eterotopia*, Ed. Mimesis, Milan 2010) and of human development (Sen A., *Lo sviluppo è libertà. Perché non c'è crescita senza democrazia*, Mondadori, Milan, 2011). In this regard see: Tullio Cataldo A., *I rom a Roma: sviluppo umano e politiche abitative*, in De Muro P. and Monni S. (ed.), *Roma: ritratto di due città*, being printed.

⁵⁷ Only in the last 3 years, 60 million euros have been spent in the framework of the implementation of the *Nomad Plan* of Rome; half of this amount was used for the ordinary management of the «equipped villages».

⁵⁸ The Salone «equipped village» was created in 2006 during the centre-left administration headed by mayor Walter Veltroni, to host Roma coming from a nearby informal settlement. Other Roma families joined these groups through the years, especially families coming from the via Dameta “camp” and the former Casilino 900 “camp”. Designed to host 600 people, today it accommodates over 1000 people.

⁵⁹ Associazione 21 luglio, *Esclusi e ammassati. Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via di Salone a Roma*, November 2010;

<http://www.21luglio.org/index.php/report/12-esclusi-e-ammassati>.

⁶⁰ The La Barbuta «equipped village» was created in 2012 during the centre-right administration headed by mayor Gianni Alemanno. Its inhabitants are Roma who were evicted from the Tor de' Cenci and the Via del Baiardo “tolerated” settlements and families previously settled in the adjacent area. According to official data, 600 people live there.

⁶¹ Associazione 21 luglio, *Lettera alle autorità incaricate dell'attuazione del Piano Nomadi di Roma*, 15 November 2011; <http://www.21luglio.org/index.php/archivio-lettere-alle-autorita/48-15-novembre-2011>.

⁶² The Castel Romano «equipped village» was created in 2005 during the centre-left administration headed by mayor Walter Veltroni following the eviction from the Vicolo Savini “tolerated” settlement. It was extended in 2011 to host Roma communities evicted from the Via La Martora “tolerated camp”, and again in 2012 to host families coming from the Tor de' Cenci “tolerated camp”. Currently over 1000 people live there.

⁶³ The Cesarina «equipped village» was created in 2003 after the closure of the La Muratella “tolerated camp” during the centre-left administration headed by Walter Veltroni. In 2007 Roma

share 8 toilets and 8 showers lacking hot water except for a few hours a day: currently running water is no longer provided and even the public drinking fountain outside the camp has been removed⁶⁴.

The consequences of these and many other features of the institutional spaces denominated «equipped villages» on the rights of the child, are extremely serious and they are thoroughly analysed in the research *Rom(a) Underground*⁶⁵.

The protection of the rights of the child and the measures against neglect and social disadvantage, the *raisons d'être* of the removals of children from their parents proposed by the deputy mayor of Rome, are in no way guaranteed – on the contrary they are violated – by the social and housing policies supported by the administration that Belviso was part of. It is important to point out that if the Municipality of Rome does not safeguard the rights of Roma children, the same conclusion cannot be reached with regard to the juvenile court. The present research work acknowledges and supports the work of judges committed to ensuring that the best interests of the child prevail, and deems the right of any child to live a dignified childhood and to fulfil his/her potential as future adult, fundamental. What we want to emphasise is that the judicial intervention seems to fill in the gaps, counterweight the defaults and the failures of the local administration, make up for the shortcomings and the debacles of the social and housing policies, as well as for the Municipality's choices, as if it was to repair the damages provoked by the local power.

If for decades one authority has been segregating Roma in «villages» outside the *Grande Raccordo Anulare*⁶⁶ and has been evicting all those who cannot be accommodated there, while another authority deems such environments unsuitable for the minors' psychological and physical development and, also because of their housing conditions, considers it necessary to remove the children from their parents, couldn't we talk about institutional schizophrenia? The empirical research carried out deals precisely with this question, and with the following others that stem from it: do the analyses of judges and social workers take into consideration the housing policies for Roma communities? Is there a boundary between material and moral inadequacy, and the family's poverty in the evaluations of the juvenile courts and the social services? Is the social issue of Roma communities living in substandard housing considered a cultural matter? Are Roma considered unfit to raise their children because they are Roma? Is such approach widespread? And to what extent is this approach one of the causes of the overrepresentation of Roma minors in the adoption system? What are the real dimensions of the movement of Roma minors from their families to non-Roma families in the Lazio context?

In order to begin answering these questions, the first objective of the research was to investigate the phenomenon of adoptions of Roma minors and to define it in quantitative terms,

communities coming from the settlement of Villa Troli also moved there. Today, 180 people live there.

⁶⁴ Associazione 21 luglio, *Diritti Rubati. Rapporto sulle condizioni di vita dei minori rom e delle loro famiglie nel "villaggio attrezzato" di via della Cesarina a Roma*, September 2012; <http://www.21luglio.org/index.php/report/130-qdiritti-rubati-rapporto-sulle-condizioni-di-vita-dei-minori-rom-e-delle-loro-famiglie-nel-qvillaggio-attrezzatoq-di-via-della-cesarina-a-romag>

⁶⁵ Associazione 21 luglio, *Rom(a) Underground. White Paper on the condition of Roma children in Rome*, February 2013.

⁶⁶ The *Grande Raccordo Anulare* is the circular road which goes around the boundaries of the city of Rome.

by calculating the number of Roma declared adoptable between 1 January 2006 and 31 December 2012. A limited period of 7 years was chosen because of resources and time constraints. The Juvenile Court of Rome has a regional jurisdiction, thus the verdicts examined here relate to minors residing in the city of Rome and also in the rest of the Lazio region. In order to individuate the number of Roma children declared adoptable in the mentioned time-frame, a thorough empirical research both quantitative and qualitative, was carried out. The quantitative research was composed of two phases. The first one regarded the consultation of the registers where the names of the children subject of verdicts of the Juvenile Court of Rome are recorded. The verdicts of adoptability were identified from these registers and counted, both those regarding Roma minors and those regarding non-Roma minors. In order to track down the origin of Roma and non-Roma children, the more accessible and immediate criterion was used, that of the family names. Before initiating the research on the documents of the court, a complete list with all the surnames of Roma families living in the formal and informal settlements of the capital was requested and obtained: these are families of French-Moroccan⁶⁷, Italian, Serbian, Bosnian, Macedonian, Montenegrin, Croatian, and Romanian origin. The complete list was provided by the Nomad Office of the XIV Department – Promotion of Social Services and Health – of the Municipality of Rome⁶⁸. The second phase of the quantitative research was based on the thorough consultation of a micro sample of case files concerning Roma minors. Out of 117 case-files on Roma minors declared adoptable, 49 (42% of the total) were analysed in depth. The case files were chosen without a homogenous criterion, in that they were provided by the court's clerk of the Juvenile Court of Rome based on his availability.

Since there are no data, neither accurate nor estimated, on the total number of Roma living in conventional homes within the territory of the Lazio region, the quantitative investigation focused only on Roma living in settlements. The reality of Roma people living in conventional homes is not particularly studied and knowledge in this regard is extremely sketchy. It would not have been possible to track down the surnames of Roma families living in conventional homes, since they are basically unknown to the social services that provided the list of surnames on which the research is based. Furthermore, given that the objective of the research was to calculate the number of Roma children declared adoptable and then, to compare this number to the totality of Roma and non-Roma children, it was indispensable to obtain data that was as precise as possible. Thus, only Roma people living in settlements, who were included in censuses and for whom estimates and data exist, were considered.

The quantitative analysis was complemented by the qualitative research. The objective of this phase was to gather the opinions and the interpretations of professionals dealing with children deemed at risk, with regard to the quantitative results of the research, and to observe their approach towards Roma minors in general. An initial draft of the interview questions was elaborated based on Saletti Salza's advices and on the themes covered in her research. In the course of the interviews the questions evolved, driven by new information and in the light of the emergence of recurring elements. The interviews were semi-structured, flexible and only

⁶⁷ In Rome the French-Moroccan Roma represent an extremely small group. They are so defined by the Nomad Office of the Municipality of Rome and usually, although not always, they are called "Moroccan" by the other Roma communities. They are a group of French of second generation of Moroccan origins, born in Marseille and other French cities.

⁶⁸ Besides the mentioned cases, there was also a case concerning a Kosovar minor.

partially standardised, in that they were composed of open questions, modified depending on the interviewee. Some key issues were discussed with all the interviewees:

- their personal experience with Roma: general considerations on their work with Roma, on the way their interventions can be assessed, on the specific difficulties working with or on Roma communities, etc. The objective of the opening and founding question, of the stimulus from which the interview departed, was not only to put the interviewee at ease by inviting him/her to talk about something familiar and known – that is his/her professional activity – but also to bring to light the frustrations, the limits, the shortcomings, the inefficiencies and all the issues that the people in charge felt like bringing up;
- their own perception of the phenomenon of adoptions of Roma children: the interviewees were asked whether, in their opinion, there was a high or low incidence of Roma minors declared adoptable. The same question was proposed again by providing data and describing the results of the research. The objective was to understand to what extent there is awareness on the actual overrepresentation of Roma children in the civil juvenile justice system, and how the high incidence of Roma minors in the adoption system is considered and explained;
- the threshold: this concept is taken from the research "*Dalla tutela al genocidio?*" (From protection to genocide?)⁶⁹ and refers to the criteria used by judges and social workers to define the condition of a minor at risk. The term "threshold" recalls the idea of the limit, of the situation explaining and justifying the social and legal intervention, of the situation beyond which the action of the social services and the court becomes necessary and non-deferrable;
- the prejudice: the issue of prejudice was treated from two different perspectives and by taking two different directions. The first one regards the respondents' perception on prejudice in general and their opinion on the possible presence of prejudices towards Roma in their working environment. The second aspect concerns the prejudices that the respondents themselves have towards Roma communities. Given that awareness of one's own prejudices is rare and that people are reluctant to acknowledge them, these questions were not posed directly, since this would have generated unnecessary forms of mistrust: when present, the prejudice emerged by itself, from the considerations, the words used, the opinions stated. When prejudice was recognised in the interviewees' words, the objective became to understand the extent to which such a prejudice affects and determines the decisions of separation, removal, reunification or adoption. The following questions, which were asked in a very indirect way and whose answers were encouraged in the form of reflexion, formed the basis of the section on the qualitative inquiry: is parental inadequacy leading to the declaration of the state of neglect and later to the declaration of adoptability, a cultural feature? If so, is it a cultural feature typical of the Roma culture in absolute terms or is it cultural because there is a different way to educate and raise children, which is perceived as inadequate by the

⁶⁹ Saletti Salza C., *op.cit.*, CISU 2010, pp. 79 – 109.

majority society? Is this supposed parental inadequacy responsible for generating the conditions of risk for the minor, or is it determined by poverty and neglect, exacerbated by local policies?

Once Roma minors are declared adoptable, their stories are absorbed by the society, become mute, remain unknown and they are rarely gathered and told. Among the very few testimonies of minors forcibly removed from their families, there is the precious one of Mariella Mehr, Swiss and *jenische* poetess and writer, born in Switzerland in 1947. Although her experience is in no way comparable to what is happening today in Italy, it seemed appropriate to report it briefly. At the age of 5 Mariella Mehr was taken from her mother's arms and subjected to the electroshock "therapy"; at the age of 18 she was forcibly sterilised after her only child had been taken away. All the violent practices she was subjected to were inflicted upon her because she belonged to the *jenische* community and they were part of the *Pro Juventute* association's programme, committed to re-educating the *jenische* nomad community. Because of a thematic choice and also due to time and resource constraints, it was not possible to investigate the consequences of the removals on the life of Roma children declared adoptable. Mariella Mehr's sentence, which opens this chapter, refers precisely to the way in which the primordial grief due to the separation, the removal and the distance, becomes an enticement, a visceral and violent impetus to recompose one's origins, deep-rooted and pulsating as much as alien and silent⁷⁰.

⁷⁰ The interpretation of the verse of Mariella Mehr's poetry does not claim to be official; it is completely subjective and is so understood by the author of the research.

ROMA CHILDREN DECLARED ADOPTABLE BY THE JUVENILE COURT⁷¹ OF ROME: THE QUANTITATIVE DATA

1. THE FIGURES

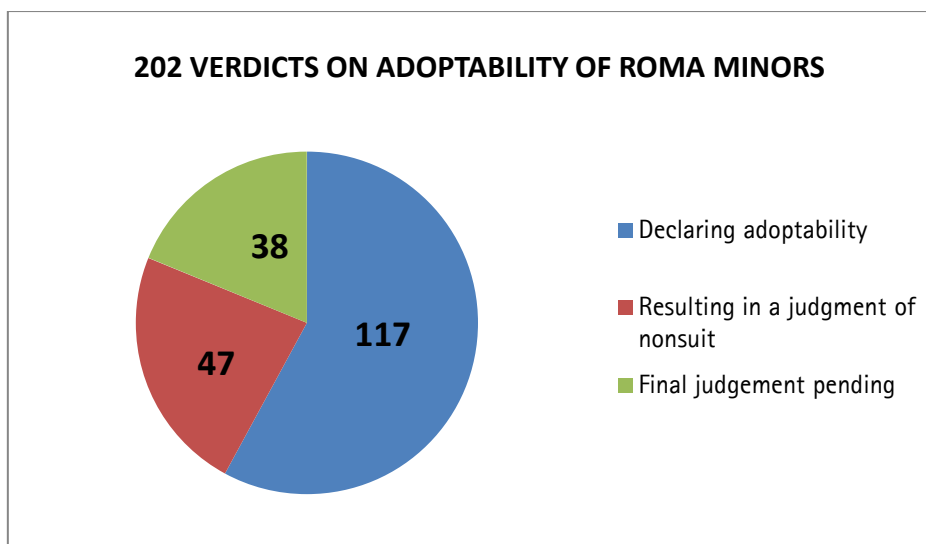
The data upon which the research is based were gathered empirically. The collection of quantitative data was carried out at the civil section of the JC of Rome, which deals with the protection of minors in situation of neglect or potential jeopardy, with minors disputed by ex-cohabiting parents, with foster care, with adoptions and with parental authority, all concerning families residing in the Lazio region. The person responsible for the clerk's office for adoptions kindly provided us with a document listing all the verdicts regarding such issues. A consultation of this document allowed us to count the verdicts on adoptability concerning both non-Roma and Roma minors. With regard to the latter category, the document also included data regarding gender, origin of the birth family, date of birth, age at the declaration of adoptability, and dates of the opening and closure of the case.

From the inquiry it emerged that, between 2006 and 2012, 202 verdicts on adoptability of Roma minors living in "camps" were delivered; with these verdicts, the judges at JC of Rome examined the possibility of declaring the minor adoptable. The verdicts on adoptability are not always positive, in other words they do not necessarily order the adoption of a minor; as a matter of fact, based on judgments of nonsuit, the minor returns to his/her family or continues to live under the care of social services, in another family or in shelters. Among Roma children for whom a placement for adoption was considered, 117 – that is 58% of the total number of Roma minors for whom a verdict was issued – were actually declared adoptable, 47 cases – 23% of the total – were closed with a nonsuit judgment and in 38 cases – 19% of the total – a final judgement is still pending.

VERDICTS ON ADOPTABILITY OF ROMA MINORS

Verdicts on adoptability of Roma minors	202	%
Declaring adoptability	117	58%
Resulting in a judgment of nonsuit	47	23%
Final judgement pending	38	19%

⁷¹ Hereinafter: the JC.



Roma minors for whom a legal procedure was opened are equally distributed on the ground of gender (52% is female and the rest is male), but not on the ground of the parents' national origin: 68% has "Slavic"⁷² surnames – Macedonian, Montenegrin, Bosnian, Serbian –, 27% Romanian surnames, 4% of the surnames relate to French-Moroccan families and only 1% are Italian. With regard to age groups, 34% of the total was declared adoptable between age 0 and 3, 18% between age 4 and 7, 16% between age 8 and 11, 19% between age 12 and 15, and 13% after 15 years of age. It has to be stressed that 50% of the minors for whom a verdict on adoptability was issued was under 7 years of age and 30% was under 3 years of age. However, for the following age groups there is no uniform trend, therefore it is not possible to establish a definite correlation between age and the opening of procedures on adoptability.

CHARACTERISTICS OF MINORS FOR WHOM THE JC CONSIDERED ADOPTABILITY: GENDER DISTRIBUTION

Declaration of adoptability	Roma minors	%
Female	105	52%
Male	97	48%

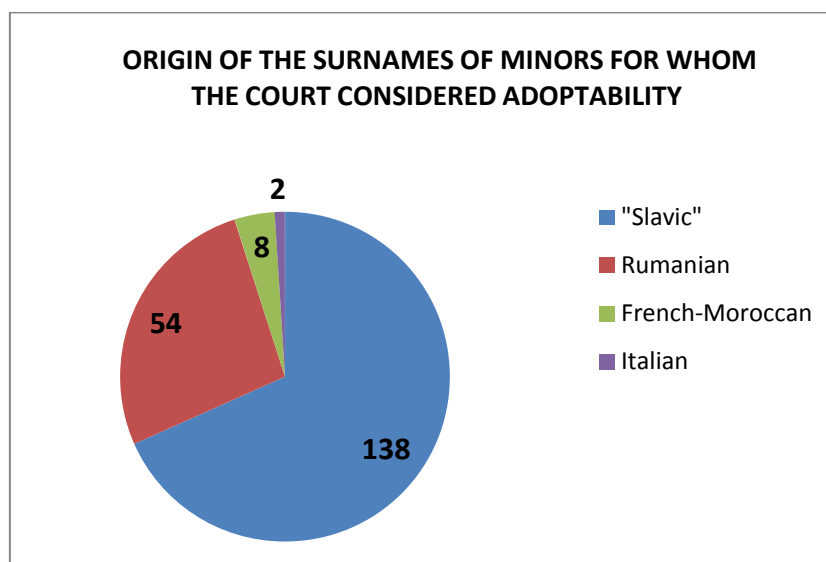
CHARACTERISTICS OF MINORS FOR WHOM THE JC CONSIDERED ADOPTABILITY: AGE GROUP DISTRIBUTION

Age group	Roma minors	%
0 – 3	69	34%
4 – 7	37	18%
8 – 11	32	16%
12 - 15	38	19%
Over 15	26	13%

⁷² With the general adjective "Slavic" we mean Roma coming from the former Yugoslavia.

CHARACTERISTICS OF MINORS FOR WHOM THE JC CONSIDERED ADOPTABILITY: NATIONAL ORIGIN OF THE BIRTH FAMILY'S SURNAMES

Origin of the surnames	Roma minors	%
"Slavic"	138	68%
Rumanian	54	27%
French-Moroccan	8	8%
Italian	2	1%



With regard to non-Roma minors, in the same time frame there were 1.214 verdicts, of which 298 judgments of nonsuit and 916 judgments declaring adoptability – 75% of the total. Thus, out of 1.416 proceedings on adoptability, those concerning Roma minors amount to 14%.

VERDICTS ON ADOPTABILITY DELIVERED BY THE JC OF ROME BETWEEN 2006 AND 2012 FOR ROMA AND NON-ROMA MINORS

Verdicts on adoptability	Roma	Non-Roma
1416	202	1.214
%	14%	86%

Out of the total number of minors declared adoptable (1.033) – Roma and non-Roma – Roma minors (117) are 11%⁷³. More than 1 out of 10 children declared adoptable over the last

⁷³ This calculation is rounded down: 569 cases concerning minors without a surname who were probably abandoned at birth and recorded in the registries of Court with the acronym NN, were also included in the counting. The origin of these minors is unknown and it was presumed they were all

7 years is Roma. The percentage is particularly significant; Carlotta Saletti Salza's research reveals that Roma children declared adoptable between 1985 and 2005 were 3,1% of the total at the JC of Turin; 5,2% of the total at the JC of Florence; 1,6% at the JC of Naples; 3% at the JC of Bologna; 1,6% at the JC of Trento; 1,7% at the JC of Bari and 2% at that of Venice⁷⁴. The highest percentage of Roma children declared adoptable was reached in 1988 at the JC of Florence and it amounts to 12,2%. A little lower, 10%, is the percentage of Roma children declared adoptable in Padua in the period January 2003 - June 2011⁷⁵.

DECLARATIONS OF ADOPTABILITY FOR ROMA AND NON-ROMA MINORS ISSUED BY THE JC OF ROME BETWEEN 2006 AND 2012

Declarations of adoptability	Roma	Non-Roma
1033	117	916
%	11%	89%

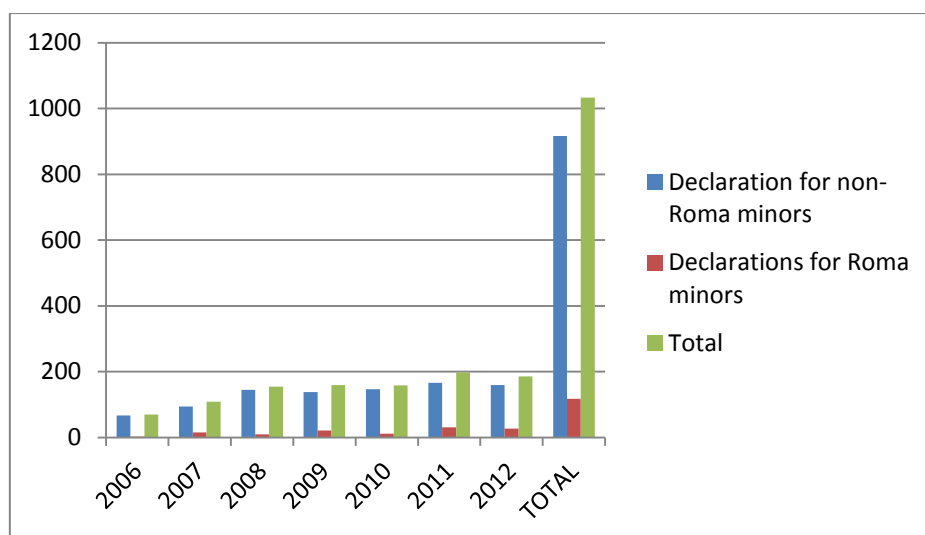
DECLARATIONS OF ADOPTABILITY FOR ROMA AND NON-ROMA MINORS ISSUED BY THE JC OF ROME BETWEEN 2006 AND 2012, DISAGGREGATED BY YEAR

YEAR	NON-ROMA	ROMA	TOTAL
2006	67	3	70
2007	94	15	109
2008	145	9	154
2009	138	21	159
2010	147	11	158
2011	166	31	197
2012	159	27	186
TOTAL	916	117	1033

non-Roma. However, if they had not been included, the total number of declarations of adoptability would decrease and the percentage of Roma minors declared adoptable would rise at 18%.

⁷⁴ Data taken from Saletti Salza C., *op.cit.*, p.73.

⁷⁵ See the research carried out by Alessandra Moro at the USL (local health unit) of Padua (2011) quoted by Piasere L. in *Scenari dell'antiziganismo. Tra Europa e Italia, tra antropologia e politica*, Seid Ed., Florence, 2012.



Roma minors declared adoptable by the JC of:	% of the total
Turin (1985 - 2005)	3,1%
Florence (1985 - 2005)	5,2%
Naples (1985 - 2005)	1,6%
Bologna (1985 - 2005)	3%
Trento (1985 - 2005)	1,6%
Bari (1985 - 2005)	1,7%
Venice (1985 - 2005)	2%
Padua (2003 - 2011)	10%

How should the data (11%) from the Roman JC be interpreted? The Roma minor population in Lazio counts 3.760 units⁷⁶, in other words Roma represent 0,35% of the Lazio underage population, which counts 1.076.807 people⁷⁷. If the percentage of Roma minors declared adoptable reflected the ratio of the Roma minor population to the total minor population in Lazio, then Roma children affected by a positive verdict on adoptability should be only 4. Yet they are 117, which is a number about 30 times greater than that expected.

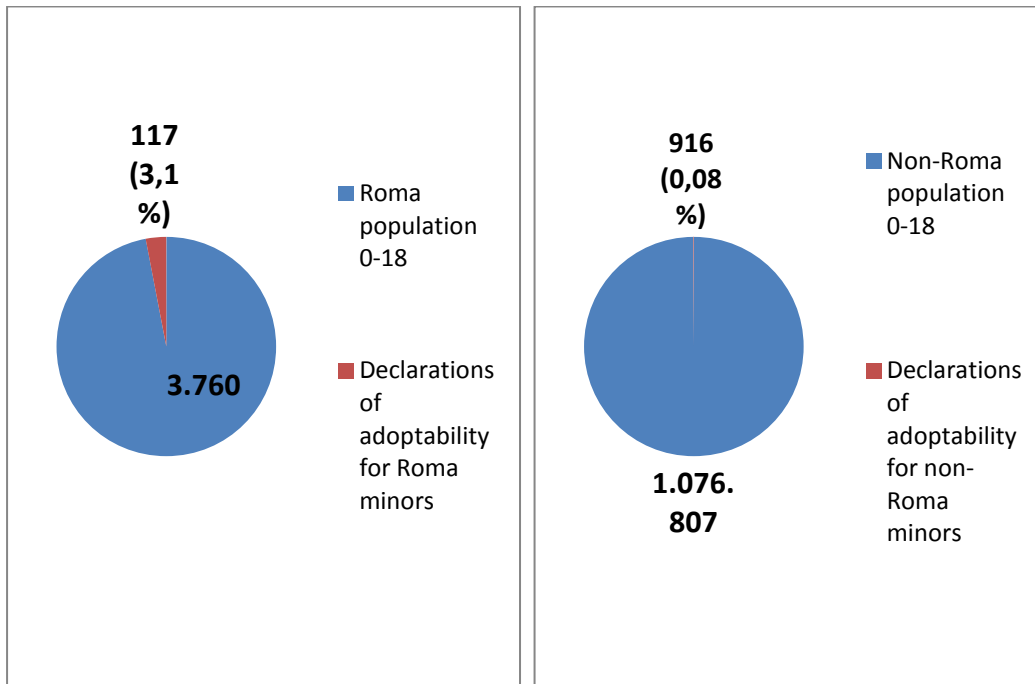
With respect to the overall Roma population, how many Roma children are declared adoptable? And with respect to the non-Roma population, how many non-Roma minors are declared adoptable? In the first case, out of an average population⁷⁸ of 3.760 minors, 3,1% was declared adoptable. In the second case, that of non-Roma minors, 0,08% of the total was declared adoptable, a percentage 40 times lower than that of Roma people. If the Lazio underage population was composed only of Roma, the minors declared adoptable during the 7 years period would have been 33.102 instead of 916.

⁷⁶ The average is calculated based on the Roma population estimated by *Associazione 21 luglio* for each year in the period 2006 to 2012.

⁷⁷ The average is calculated based on the total underage population in Lazio from 2006 to 2012. Source: <http://www.tuttitalia.it/lazio/statistiche/>

⁷⁸ With average population we mean the average Roma population from 0 to 18 residing in Lazio from 2006 to 2012.

NUMBER OF ROMA AND NON-ROMA DECLARATIONS OF ADOPTABILITY IN RELATION TO THE POPULATION OF REFERENCE



3,1% OF ROMA MINORS LIVING IN THE LAZIO REGION WERE DECLARED ADOPTABLE BETWEEN 2006 AND 2012.

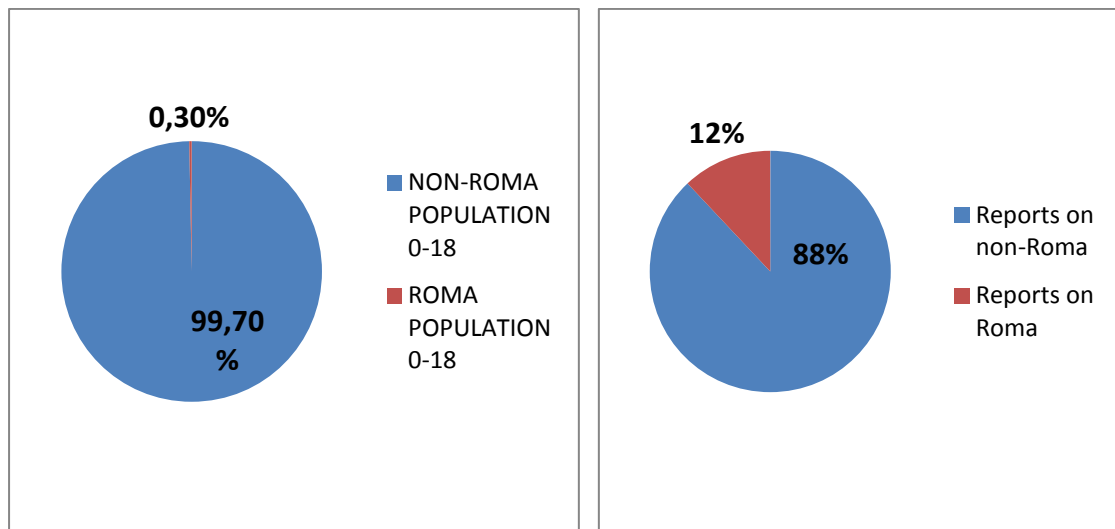
0,08% OF NON-ROMA MINORS LIVING IN THE LAZIO REGION WERE DECLARED ADOPTABLE BETWEEN 2006 AND 2012.

Therefore a Roma minor is about between 30 and 40 times more likely to be declared adoptable compared to a non-Roma minor. However, data suggest that the high incidence of adoptions of Roma minors is not necessarily attributable to the judges' behaviour and, probably, it does not have to do with what happens in the court. Indeed, the percentage of cases which, once opened by the judges, end with a declaration of adoptability is higher for non-Roma minors than for Roma. Among all the minors for whom a procedure of adoptability is opened – that is those for whom judges consider whether adoption is necessary or not – 75% of non-Roma minors and 58% of Roma minors are ultimately declared adoptable⁷⁹. These data show that there is no discriminatory behaviour on the part of the JC. The reason for the large presence of Roma minors in the court's verdicts is probably linked to what happens before the procedure of adoptability is opened, thus within the society. If 1 out of 33 Roma minors and 1 out of 1.165 non-Roma minors are placed for adoption, it is because Roma minors for whom a procedure is opened are, percentage-wise, many more than the non-Roma. In fact, the opening of 202 case files for Roma minors in 7 years, indicates that from 2006 to 2012 the judges of the JC considered the possibility of permanently removing from their birth families over 6% of the Roma minors (1 minor out of 17), a percentage that drops to 0,1% with regard to non-Roma minors (1 minor out of 1000). The hypothesis which might explain this phenomenon – and the question that is important to answer – is then that Roma minors are reported more

⁷⁹ Minors with unknown parents are not counted because, as explained above, they were not considered in the analysis.

often than their non-Roma peers. For this purpose a third phase of empirical research was carried out at the JC, in order to find out the number of minors, Roma and non-Roma, reported to the JC from 2006 to 2012. It was then calculated that the total number of minors reported to the Prosecutor's office at the JC of Rome in the mentioned period is 1.925. Of these, 225 are Roma, representing 12% of the total and the remaining 1.700 are non-Roma. It is appropriate to note that the Roma underage population represents 0,35% of the overall underage population in Lazio. From 2006 to 2012, 6% of Roma minors living in Lazio were reported to the Prosecutor's office at the JC – that is 1 out of 17 – compared to 0,1% of the non-Roma minors living in the same region – that is 1 out of 1.000.

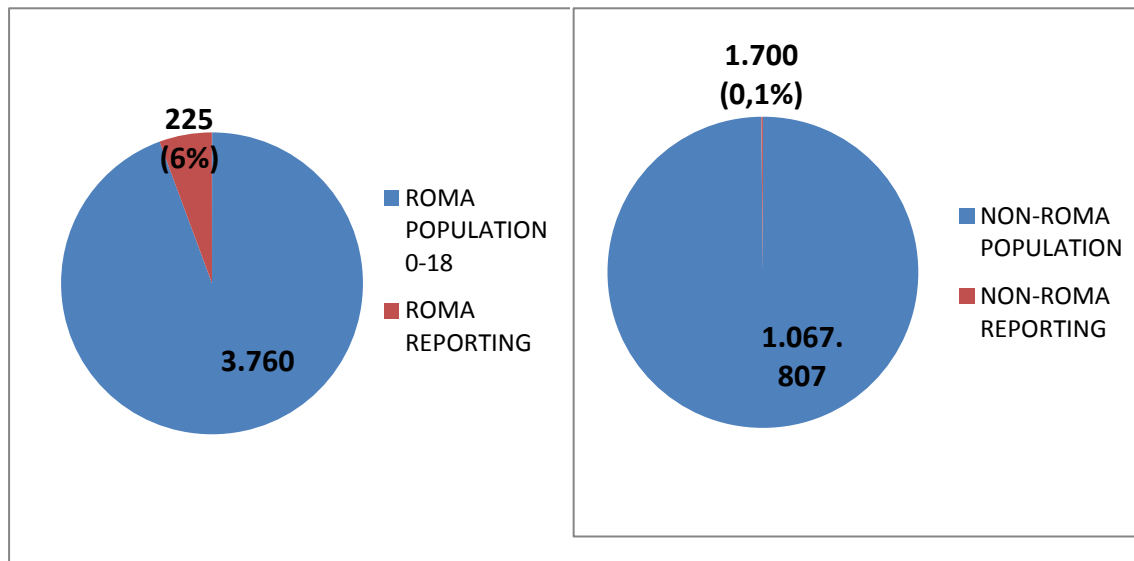
COMPARISON OF ROMA AND NON-ROMA POPULATIONS AND REPORTS FILED



WHILST ROMA MINORS REPORTED ARE 12% OF THE TOTAL, ROMA MINORS AGED 0-18 LIVING IN THE CONSIDERED TERRITORY ARE 0,3% OF THE TOTAL UNDERAGE POPULATION.

PERCENTAGE OF REPORTS TO THE JC OF ROME ON ROMA AND NON-ROMA MINORS BETWEEN 2006 AND 2012.

REPORTS ON ROMA AND NON-ROMA MINORS COMPARED TO THE POPULATION OF REFERENCE AGED 0-18 LIVING IN THE LAZIO REGION (TOTAL AND PERCENTAGES)



REPORTS ON ROMA MINORS WITH RESPECT TO THE ROMA POPULATION: FROM 2006 TO 2012 ONE MINOR OUT OF 17 WAS REPORTED TO THE PROSECUTOR'S OFFICE AT THE JC.

REPORTS ON NON-ROMA MINORS WITH RESPECT TO THE NON-ROMA POPULATION : FROM 2006 TO 2012 ONE MINOR OUT OF 1.000 WAS REPORTED TO THE PROSECUTOR'S OFFICE AT THE JC.

In the same years, 1.416 minors (74% of those reported to the prosecutor's office, probably also before 2006) were subject of verdicts opening adoption procedures and, in the same period, 1.033 declarations of adoptability – by which judges decided that it was necessary to place the minor for adoption – and 345 nonsuit judgments – by which judges considered that the minor could return to his/her family or be entrusted to the social services – were delivered. If disaggregated by ethnicity and community affinity, data can be read as follows:

- Compared to a non-Roma, a Roma minor is 60 times more likely to be reported to the prosecutor's office at the JC.
- A Roma minor is 50 times more likely to be the subject of a procedure on adoptability than a non-Roma.
- A Roma minor is nearly 40 times more likely to be declared adoptable than a non-Roma minor.
- If the minor is Roma, once he/she has been reported and has entered the JC's circuit, he/she has 90% chance to be the object of a verdict on adoptability, a 52% chance to be declared adoptable and a 21% chance that his/her case ends with a non-suit judgment.
- If the minor is not -Roma, once he/she has been reported and has entered the JC's circuit, he/she has a 71% chance to be object of a verdict on adoptability, a 54% chance to be declared adoptable and a 17% chance that his/her case ends with a non-suit judgment.

RECAPITULATORY TABLE

PROCEDURES	ROMA MINORS	NON-ROMA MINORS
REPORTS	225	1.700
% on the population	6%	0,1%
OPENING OF ADOPTABILITY PROCEDURES	202	1.214
% on the population	5,3%	0,1%
DECLARATIONS OF ADOPTABILITY	117	916
% on the population	3,1%	0,08%

The data on reported minors confirm that, as it was hypothesised, the judges' behaviour is unbiased and that at the origin of the very high incidence of Roma adoptions is the number of reports reaching the court. If we wanted to explore the reasons of such a phenomenon, the analysis would risk becoming very wide but, for the purpose of this research, it is possible to confine it, mentioning only some issues. The Roma subject of this inquiry and of the verdicts analysed, are people living in substandard housing, who – usually – settle down and live in public spaces, or who – even when they live in a formal “camp” – are presumably not integrated in the society's ordinary circuits, and conduct their economic, life-supporting or other activities on the streets and in public places. They are people whose potential social and economic hardship cannot be hidden within the walls of an apartment, whose hardship is visible to the majority society and thus it is more likely to be denounced and reported. Our inquiry points out that the majority of the reports come from social workers, and some of them – at least those interviewed for this research – completely lack any *ad hoc* training on Roma communities and have strong prejudices against them, which can be ascribed to a form of cultural determinism⁸⁰. Furthermore, compared to other socially vulnerable groups, Roma are subject of specific housing policies, which prevent school and labor inclusion, as well as relationships with the majority society⁸¹. As we will see shortly, the circumstances mentioned in the adoptability verdicts as justifications of the same, are all manifestations of the phenomenon of social exclusion: exclusion from the formal labour market, lack of schooling for the minors, incommunicability with the authorities, lack of communication and collaboration with the social-care facilities where the minor is placed, poverty, inadequate housing and so on. In the case of Roma, these circumstances, that without a doubt are also the result of personal choices and that are typical also of families from the majority society, are accentuated and worsened by local policies that are systematically directed towards their social exclusion. The fact that we came across Italian surnames of Roma minors declared adoptable only rarely, confirms this point. Roma minors with Italian surnames certainly represent a very small percentage of the totality of people living in “camps” (8% of the total), but in the JC's stories they are nearly irrelevant (1% of the total). The reason of this probably lies in the fact that Italian Roma have greater opportunities of social inclusion compared to foreign Roma. Greater opportunities offered by ordinary but decisive factors, such as having personal documents, being fluent in the language, having lived for decades – if not centuries – in Italy and so on. Another important aspect worth mentioning is

⁸⁰ The concept is widely discussed in the chapter on the qualitative analysis.

⁸¹ See: Associazione 21 luglio, *Rom(a) Underground, The white paper on the condition of Roma children in Roma*, February 2013; http://www.21luglio.org/images/ROMA%20UNDERGROUND_English%20final.pdf

the high fertility rate among Roma communities. According to some researches this would be even twice that of the majority society⁸². If each Roma woman has a number of children which may even amount to 13⁸³, it follows that, compared to non-Roma, for each parental couple deemed inadequate there will be a greater number of children reported to the authorities and, possibly, declared adoptable: nearly 50% of minors whose verdicts were analysed come from the same family⁸⁴, so that the high number of Roma cases might also reflect and be affected by the size of the most vulnerable families. Lastly, according to a social mediator interviewed for this research, many case files reach the JC even though they could be closed at the prosecutor's office: «The cases reported by the social services to the prosecutor's office are transferred to the court while they could be immediately dismissed.» The social services should be a bridge between the justice system and the Roma families, but often they don't even get in touch with them, they don't know where to find them, they don't look for them or, if they succeed in having a contact, this is biased: there is reciprocal mistrust!»⁸⁵

2. WHO ARE THE ROMA CHILDREN DECLARED ADOPTABLE AND WHERE DO THEY COME FROM?

Once the verdicts on adoptability were counted and the phenomenon of Roma adoptions was traced, the objective of the analysis was to identify the most recurring reasons of adoptability in cases involving Roma people and also the housing situation of the minors, so that the importance of such elements in determining the fate of Roma minors could be properly assessed.

Therefore the second part of the empirical research began with the collection and consultation of the verdicts on adoptability for all Roma minors actually declared adoptable. Eighty seven out of 117 cases were reviewed, since 6 files were not available at the JC of Rome in the period of the research and 25 files were no longer traceable⁸⁶. However, some data, such as age, gender and the family's origin, could be tracked for all the 117 cases.

From the analysis of the verdicts it emerges that there is no correlation between age and adoptability. However, it must be pointed out that 30% of the children declared adoptable – 37 minors – were younger than 3, and 51% – 63 minors – were younger than 7, just like in the case of minors for whom a procedure of adoption had been opened but had not necessarily led to a declaration of adoptability. The gender distribution is perfectly equal. The origin, at least of the surname and thus of the birth family, is "Slavic" in 77% of the cases (90 minors), Romanian in 17% of the cases (20 minors) and French-Moroccan in 6% of the cases (7 minors). The significant preponderance of "Slavic" minors is mainly, but not exclusively, determined by the

⁸² See: Istituto di Ricerche Educative e Formative, *Rom, Sinti, Camminanti e Comunità locali. Studio sulle comunità Rom, Sinte e Camminanti nelle Regioni Convergenza*, Rome, May 2010; Save the Children, *Studio sulla salute materno infantile nelle comunità rom. Il caso di Roma*, May 2008.

⁸³ This number refers to a case encountered during the consultation of the files at the JC.

⁸⁴ The computation was made by comparing the number of the opened case files (136 gathering minors from the same family) with the number of reported minors (225).

⁸⁵ Interview with a social mediator, Rome 17 July 2013.

⁸⁶ At the time of the research 6 case files were at the Court of Appeal, whilst 24 files were not traceable through the available data, as they concerned minors who are now members of new adoptive families and have a new non-Roma surname.

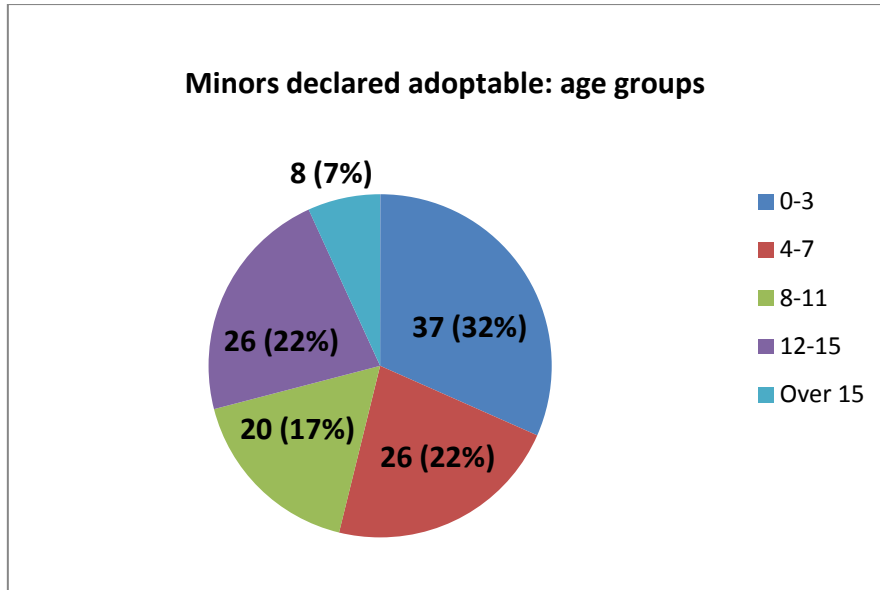
greater number of "Slavic" Roma families living in settlements. According to the *Conclusive Report of the inquiry on the condition of Roma, Sinti and Caminanti in Italy* published by the Italian Senate⁸⁷, families coming from the former Yugoslavia would represent 67% of the families living in "camps". Unlike Romanian families, they are usually settled in formal rather than informal settlements – the latter is a housing solution mainly typical of families coming from Romania – and for this reason the interventions of the social workers are more frequent. Another element worth highlighting is the legal status of "Slavic" Roma, who are often stateless, without a country of origin, not recognised by the state and allowed to live only within the fenced space of the "camps". The legal vulnerability translates into social and labor exclusion and also, in the impossibility to leave Italy to escape the authorities when these begin checks on the parental authority or within the family.

CHARACTERISTICS OF ROMA MINORS DECLARED ADOPTABLE: DISTRIBUTION BY AGE GROUPS

Age groups	Minors declared adoptable	%
0-3	37	31%
4-7	26	22%
8-11	20	17%
12-15	26	22%
Over 15	8	8%

⁸⁷ Senate of the Republic, Extraordinary commission for the protection and the promotion of human rights, *Conclusive report of the inquiry on the condition of Roma, Sinti and Caminanti in Italy*, February 2011;

<http://www.senato.it/documenti/repository/commissioni/dirittiumani16/Rapporto%20conclusivo%20indagine%20rom,%20sinti%20e%20caminanti.pdf>.

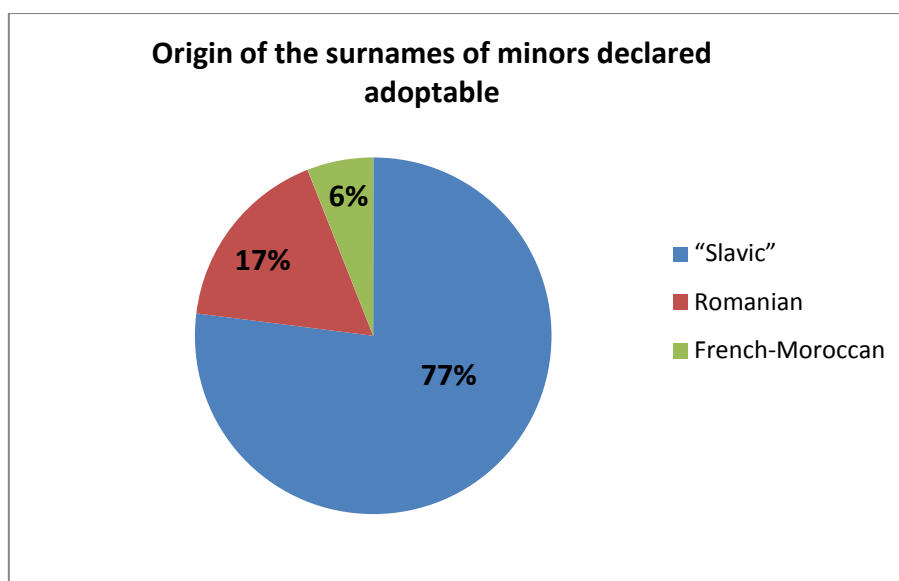


CHARACTERISTICS OF ROMA MINORS DECLARED ADOPTABLE: GENDER DISTRIBUTION

Declarations of adoptability	117	100%
Female	61	52%
Male	56	48%

CHARACTERISTICS OF ROMA MINORS DECLARED ADOPTABLE: ORIGIN OF THE SURNAMES OF THE BIRTH FAMILY

Origin of the surnames	%
"Slavic"	77%
Romanian	17%
French-Moroccan	6%



The type of “camp” where Roma live does not seem to be particularly relevant: 58% of the minors (50 cases) come from formal settlements and 34% (30 cases) from informal settlements⁸⁸. The rest (7 minors), have a changing accommodation – like in the case of single families sleeping in a car or in a caravan in an informal settlement but not permanently and families with mixed residences or residences that cannot be traced by reviewing the case files. It has to be stressed that usually social workers, who are already reluctant to visit the formal settlements, totally avoid the informal ones. The inhabitants of the informal settlements do not have a formal residence on the national territory and do not fall under the jurisdiction of any Municipality, any district and any social services.

HOUSING SITUATION OF ROMA MINORS DECLARED ADOPTABLE

Housing situation	Minors	%
Formal settlements	50	58%
Informal settlements	30	34%
Changing accommodation	7	8%

Of the 58% living in formal settlements, the highest percentage (24% of the cases) regards 12 minors coming from the settlement of Castel Romano, followed by: Casilino 900 (12%, 6 minors); La Martora (12%, 6 minors); Tor de' Cenci (12%, 6 minors); Gordiani (10%, 5

⁸⁸ The distinction usually adopted in Rome between «equipped villages», “tolerated camps” and informal settlements fails in this case and has to be replaced with a differentiation between formal and informal spaces: in the considered period (2006-2012) several «equipped villages» have become “tolerated” and it is then necessary to classify the diverse housing conditions by including the “tolerated” and «equipped» settlements under a unique category, which is that of the formal “camps”.

minors); Lombroso and Salone (8% each, 4 minors); via del Baiardo (6%, 3 minors); Candoni and Salviati 2 (2% each, 1 minor) and a remaining unspecified 4%, concerning 2 minors.

The high incidence of children coming from Castel Romano can be explained in light of two issues. Castel Romano is an «equipped village» set up in 2005 to accommodate about 800 people, whilst today it accommodates over one thousand people, half of whom are minors. Along with Salone, it is the «equipped village» with the largest number of inhabitants, and for this reason it is possible that, percentagewise, there are more children coming from this settlement. Secondly, Castel Romano is a settlement denoted by particularly destitute conditions: until 2010 there was no potable water and the running water – murky, according to the residents – was available only for 3 hours a day. The «village» is situated on an expressway, hardly walkable and without public transports, so that its inhabitants are exposed to the risk of a total separation from the majority society⁸⁹. However, the same consideration does not apply to the Salone «equipped village», even though it displays characteristics similar to those of Castel Romano. Set up in 2006 to host about 600 people, today over one thousand people live there in very bad hygienic and sanitary conditions and in a situation of urban exclusion. The “tolerated” settlements that were dismantled in recent years by the centre-right municipal administration headed by mayor Gianni Alemanno, – Casilino 900, La Martora and Tor de’ Cenci – are also characterized by a high number of minors reported to the authorities.

The informal settlements are mostly located at: Foro Italico, Nuovo Salario, Portuense, Muratella, Prima Porta and Massimina. The fact that the number of minors from informal settlements who are reported to the authorities is overall less significant is presumably linked to the increasing invisibility of these settlements and to the fact that, according to the gathered testimonies, social workers, who are even reluctant to visit the «equipped villages», never go there.

3. JUSTIFICATIONS FOR THE DECLARATIONS OF ADOPTABILITY

Based on a review of the verdicts on adoptability, the recurring factors reported by the judges as reasons for the declaration of adoptability were identified.

⁸⁹ Two emblematic testimonies of two Roma women interviewed at the Castel Romano settlements are here reported: «They seize our children. What do Italians do to our children? They come to our home and they take them away and we don’t know what becomes of them. We too have human rights, we too are people as the others, yet when they gave in adoption two of my grandchildren, nobody communicated it to us, they gave them to another family and nobody told us. We don’t know what happened to them; to us it’s like if they had disappeared into thin air. They destroyed the life of their parents; they came to the camp years ago and snatched the children from her arms. Because they were dirty and they didn’t go to school. But if the child is not hungry, is not thirsty, if he’s dressed...why do you ruin people’s life?»; «I was at the Colosseum with my one year old child in my arms. The police stopped me, I didn’t have the documents with me but I told them where I lived. After a few months the social worker came with the local police! I was afraid that they wanted to take my children. She wrote down how we were doing, how we sleep, how we eat. We sleep and live in a container with 8 people...but it isn’t our fault! In the end they limited my parental authority but I don’t understand why, my children are all vaccinated and they go to school» (Interviews from 17 July 2013).

1. The most common element in the verdicts on Roma minors (mentioned in 35% of the verdicts) concerns the total or partial failure of Roma parents to abide by the rules of the social-care facilities where the minor is placed: cases of parents who do not show up – occasionally or at all – at the agreed visits, cases of conflict or cases of mothers refusing to stay in the “family-homes” and so on, all belong to this category. A social mediator who regularly visits the “camps” as well as the Court interprets the phenomenon in this way: «Often parents don't show up at the meeting because they don't know how to move around at all, they live segregated in these villages outside Rome and the rest of the city is something completely disorienting. They don't show up at the appointments and the social workers interpret all this as lack of interest»⁹⁰.
2. The second most common element is crime (28% of the cases) and refers to cases where the parent's criminal behaviour appears incompatible with an adequate fulfilment of the parental role.
3. The third most mentioned factor in the verdicts (25%) is the inadequate schooling of the minor or the fact that he/she does not go to school at all.
4. Other factors follow, such as: alcoholism and drug addictions (24%) – the latter regarding both paternal and maternal figures;
5. poverty and inadequate housing (23%);
6. intentional abandonment by the parents or their unwillingness to keep the child (17%) – in 50% of the cases, the latter combines with factors related to the health condition of the mother or of the minor;
7. domestic violence of which the mother is victim (16%) and cases of child abuse by the father or the mother (8%);
8. absence of a parent because he/she is in prison (14%) and absence of both parents because they are both in prison (9%);
9. parent's lack of interest in regaining parenting capacity or in protecting the relationship with the children (14%)⁹¹.

⁹⁰ Interview with a social mediator, Rome 17 July 2013.

⁹¹ The sum of the percentages is not 100 because more recurring elements were identified in the single stories.

4. ANALYSIS OF A SAMPLE

Out of 117 case files of Roma minors declared adoptable between 2006 and 2012, 40 case files regarding in total 49 Roma minors, (42% of the total) were analysed thoroughly.⁹² It seemed appropriate to analyse almost half of the identified Roma cases, since they include interesting and significant elements for the purposes of the present research.

The sample considered presents an equal gender distribution, since 45% of the cases concern female minors and the rest male minors. Ninety percent of the minors were born in Italy, whilst 10%, that is 5 minors, were born abroad, in Croatia, Belgium and Austria. With respect to the mothers, the parent's citizenship is Italian in only 2% of the cases and with respect to the fathers in 8% of the cases. 71% of the mothers of removed minors are of Bosnian, Croat, Kosovar, Macedonian and Serbian citizenship, whilst only 22% come from Romania. According to the information contained in the case files, the average age of the reported children is 4.

With regard to the origin of the reports, these come from:

- municipal or hospital social services in 51% of the cases,
- police forces in 16% of the cases,
- private citizens or associations in 16% of the cases,
- parents themselves, when unwilling or unable to raise their own child, in 16% of the cases.

The most common reason why a report to the public prosecutor's office is filed – 30% of the cases – is the parents' physical absence: in 50% of these cases the minor's parents are in jail, in 14% of the cases the minors were abandoned in the hospital immediately after birth and in the remaining cases, the minors are abandoned, - by parents who then become unreachable - in social-care facilities such as "family-homes". The other circumstances in which a report is filed are:

- the arise of family problems within families already followed by social workers (18% of the cases);
- the arisen inadequacy of the parents – due to drug addictions, alcoholism, episodes of domestic violence, inability to take care of an ill child despite the willingness to do so (15% of the cases);
- the parents' declared unwillingness to raise their own child – usually due to the severity of the minor's health condition and to their refusal to provide the necessary care (12% of the cases);
- the occurrence of thefts in which minors are involved (6% of the cases);
- other circumstances (12% of the cases).

⁹² The non-correspondence between the number of files and the number of Roma minors is due to the fact that the same file may concern more minors if, for instance, they belong to the same family.

Once the procedure has been opened, this is usually closed within 3 years (60% of the cases), within 4-6 years in 25% of the cases and only in 12% of the cases in over 7 years. The longest a minor was followed by the JC and the social services before being declared adoptable is 11 years, the shortest was 6 months.

While the proceedings are pending, 90% of the minors are placed in a social-care facility and, in less than 50% of the cases, after having spent time there, they are placed in foster care. The families selected for foster care were always unrelated to the network of the family of origin. Only in one out of 49 cases, foster care within the same family unit was observed: the minor was entrusted to his grandfather.

The majority of the reports comes from 3 districts of the Municipality of Rome: half of the totality of the cases concern the XII district (especially the Castel Romano «equipped village» and the former Tor de' Cenci "tolerated camp" – now dismantled –) and the VII district (especially the now closed Casilino 900 "tolerated camp"). Several cases come from the XVI district (in particular from the Muratella settlement, from private houses and from houses where the tenants are being evicted).

In nearly 90% of the cases, the housing background from where the reported minors come from is that of the "camps": informal (20%), "tolerated" (40%) or «equipped» (40%). Also in this case it emerges that the informal settlements enjoy less visibility and can more easily avoid being monitored by the local social services, compared to the institutionalised settlements.

4.1. THE STORIES AND THE RECURRING JUSTIFICATIONS

Health conditions – of both children and parents – represent the most frequent element in cases of removals of Roma children from their families of origin (30% of the cases). In the majority of the cases (57%), because of the seriousness of the illnesses suffered by their children or the need of particularly demanding cures, and sometimes also in light of their scarce economic possibilities or their uncertain conditions, it is the parents who declare to be unable to raise their children. In the remaining cases (43%), the juvenile court proceeds with the removal against the will of the parents. These are stories of fathers and mothers who are diffident or sceptical about the doctors' prescriptions with regard to the cures needed by their children, stories of parents who, due to difficulties in comprehending or communicating, pick up their children from the hospitals before the time prescribed by the hospital staff, or of parents described in the social workers' reports as unaware of the particular attentions and cures needed by their children. The recurrence of this kind of situations suggests the need to establish a social mediation service within the hospitals, the settlements and the juvenile courts. The impression we got by analysing the files is that there is a sort of incommunicability between Roma families and institutions: the case files seem to reveal that diffidence towards doctors, judges and social workers is widespread among Roma families and that these categories of professionals do not give enough care and attention to these families, which do not always have the linguistic skills necessary to understand their prescriptions.

Another recurring element in the stories of Roma children declared adoptable is the parents' absence at the hearings. This conduct is seen by the authorities in charge of child protection as an indication of lack of interest, it inevitably influences the opinions of the judges on the

parenting capacities, and it thus marks the development of the proceedings. The court summons is not always delivered to the persons concerned – numerous times the bailiffs do not find the parents at the indicated "camp", or the parents escape them because, as reported during the interviews, of fears towards the institutions. When the summons is successfully delivered, it is not always understood by the parents who may not be completely fluent in Italian or may not be able to read Italian. According to a social mediator working with Roma communities and the courts: «Even though they can read and write, many don't understand things in writing. Very often the notifications are not written in a clear and comprehensible way and very often Roma are afraid, because they see the institution as an enemy and not as the authority helping you. So any paper coming from the authority is something negative, something to avoid. Prejudice exists on both sides. So sometimes children are removed because parents end up in jail and [...] nobody takes care of finding out if there are relatives. The Italian law envisages that if something happens to the parents, an inquiry must be done to see whether there is someone able to take them in custody within the family, something that they almost never do with the Roma. Because when the parents end up in jail and the reports are transmitted, they never look if within the family there is a brother, a sister, an uncle, a relative, grandparents who can guarantee adequate care to the minors»⁹³.

The second reason for removing the minors (25%) relates to domestic violence, cases in which domestic violence or the abuses perpetrated by the partners on the mothers cause a strong instability within the family that can compromise parenting capacities. These are stories of mothers who periodically escape from their family and then return, women who, in order to escape their partners' vexations, leave the "camp", sometimes even the children, or they take their children with them on the street, because they do not have an alternative accommodation, or they take them to a "family-homes" but don't manage to stay there for long⁹⁴. In these cases, it is possible to notice in the verdicts and in the reports of the social workers a culturalist interpretation of the phenomenon of gender violence, which is rarely referred to a specific social context and that is generally interpreted as a cultural trait of the Roma. These stories are often accompanied by problems such as alcoholism and drug addictions among men.

Seventeen percent (17%) of the stories regard parents in detention: often both parents are in jail and minors are found in the "camp" of residence without somebody taking regular care of them. Another common situation is that of detained mothers, whose partners are not interested in taking care of the children. Also in this case there seem to be some institutional gaps: in none of the cases – but one – the minors were placed in relative foster care or given for adoption to relatives within the fourth degree⁹⁵. Given that the physical absence caused by detention in prison is not necessarily symptomatic of parental inadequacy and is a transitory condition, in order to attempt to preserve the relationship between the detained parent and the child and to avoid cutting off completely the family bond, a suitable solution could be to place

⁹³ Interview with a social mediator, Rome 17 January 2013.

⁹⁴ Gender-based violence affects the Italian society across the board and it concerns women independently from their social, cultural and economic provenance. In the case of Roma women though, it should be highlighted that the condition of marked vulnerability and social exclusion, as well as the frequent absence of economic means, particularly expose them to domestic violence and make the process of emancipation from their partners more difficult.

⁹⁵ The Law on Adoption n. 184 of 4 May 1983, *The right of the child to a family*, modified by Law n. 149 of 28 March 2001, envisages that in absence of parents, relatives within the fourth degree must be considered, as long as they have significant relations with the minors.

the minor in foster care with another family within the fourth degree. In the analysed cases, the efforts of social workers to look for a relative within the fourth degree available to raise the minor during the period of detention of the birth parent, are nearly non-existent. With regard to a minor whose birth parents are in jail, a public prosecutor⁹⁶ reports that the minor was reported to the public prosecutor's office at the JC so that, given the parents' absence, he could be placed in a "family-home". The prosecutor in charge of the case goes to the "camp" and, upon the report of a social mediator, he finds a relative within the fourth degree available and willing to take the minor in custody: «If I didn't go to the camp based on the report of a street operator, would someone tell us that there was an uncle? Would the Roma be able to come here and explain himself? Or would he have to find a lawyer to deal with the issue [...] Not knowing the rules, the lack of someone supporting them, clarifying things, make them vulnerable parties because they begin with a disadvantage and then they are not able, even when interested, to have all the instruments. In order to avoid misunderstandings I went personally, also to understand what the real situation could be and, look, I found a welcoming container, an available family...you can find a relative within the fourth degree»⁹⁷.

Another reason of child removal is represented by poverty and environmental inadequacy (12%). The matter regarding poverty is quite complex. In fact, the very first words of the Law on adoption – as previously reported – recognize the right of the child to be educated within his/her own family (art.1) and say that when the parent is poor this right should be guaranteed by the state through help and support (art.2). However, in the case of families living in extreme situations, poverty conditions create a context that is materially unsuitable for the serene development of the child. In light of this aspect, which inevitably intertwines with the above mentioned health conditions of the minors, several parents would be considered inadequate, even though it is their life conditions, rather than their capacities, that are inadequate. Cases of child abandonment occur where the parent made his/herself untraceable or left his/her own child in a hospital or in a "family-home". Of all the cases of child abandonment, 2/3 related to parents who are unable to raise their children because of their destitute conditions.

4.2 THE SOCIAL WORKERS' REPORTS

When a minor at risk is reported to the prosecutor's office, this urges the juvenile court to open a file on the minor, to take on responsibility for him/her and to begin an inquiry on the family of origin. Usually judges do not go to the "camps" or to the houses of the mothers and the fathers whose parental adequacy they have to evaluate, since information on the reality outside their offices is gathered by the social workers. As a result, social workers' reports are extremely important, since the judges' decisions are based on their words and the verdicts are strongly influenced by their assessments. How are Roma defined in the reports of the social workers? What are the elements that social workers pay attention to during their socio-environmental inquiries and that are used as criteria to evaluate parental adequacy?

⁹⁶ Public prosecutor at the JC.

⁹⁷ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

Here below is a list of the criteria - emerged from the analysis of the files - that the social workers use in their reports to describe the family units, and of the information that they deem worth passing on to the judicial authorities:

- parents' emotional involvement and display of affection. Roma parents are defined with the following adjectives: «affective», «caring», «attentive», «impetuous», «aggressive»;
- health condition of the minor;
- clothing adequacy to weather conditions;
- housing and hygienic conditions: «tidy», «clean», «neat», «crumbling», «dirty»;
- awareness of the minor's needs (above all in relation to his/her health conditions);
- source of income;
- frequency and regularity of the visits to the family-homes and with the social workers: «timely», «collaborative», «aggressive»;
- work and housing planning in absence of job and housing;
- school attendance;
- how the parents present themselves in absolute terms and at the meetings: «clean», «shabby», «with foul-smelling clothes», «well-cleaned»;
- minors' attitude and character: «serene», «melancholic», «sad», «sociable», «polite», «loving», «smiling».

An aspect worth emphasising is the frequency of the recourse to the concept of "culture" in the analysed papers. The concept of "Roma culture" is used in at least 21 cases in the reports of the social workers and of the educators of the "family-homes", and also in the verdicts of the judges, to interpret and explain the parents' inadequate behaviours and as a justification of the choices of the JC. Some cases are reported here below:

«[It's about a] minor who, having curved feet, wouldn't be welcomed in the camp»;

«It is not clear whether the above mentioned behaviour is dictated by the culture typical of the gentlemen...or whether it is caused by a different affective relationship [here the reference is to the indifference towards the removed daughters and, instead, the care shown for the male minor]. As far as it is known, it seems that in their culture the son is responsible for the care of the parents and this seems to explain their greater interest towards the son»;

«The girl, who is herself a victim of the culture from which she comes from and of her extremely uncertain family situation lacking any points of reference, certainly needs to be helped». [This sentence refers to a case of violence and abuse which, in the social worker's report, becomes a cultural issue. A similar reasoning undermines the already limited chances of success of the social services' interventions, because if the girl's submission to the husband's violence is perceived as a cultural issue, then no social intervention will ever be effective];

«In the accommodation in question, characterised by the absence of lighting and by hygienic conditions in line with the nomad lifestyle». [Elements which recall a situation of poverty are explained as cultural traits, as a lifestyle. And, also in this case, socio-economic aspects, which are those on which the policies and, theoretically, the social workers should and could intervene, become of a cultural nature. This approach risks relieving the social workers from their responsibilities];

A strong association between the Roma culture and life in the "camps" also emerges:

«In consideration of the fact that it would be impossible to implement for S. an autonomy project inspired by our cultural standards, I contacted the Nomad Office of the Municipality of Rome to evaluate the possibility, once accommodation in the shelter ends, of placing the woman and her children in another nomad camp». [The message implies that the inclusion of Roma women in family-homes would be useless because, given their culture, it would be better to find them a container];

«However the woman did not succeed in getting used to a different lifestyle and she decided to go back to the camp» [The return to the "camp" is attributed to an alleged return towards her culture of origin, to her lifestyle, whilst an analysis of the reasons why Roma women placed in family-homes usually leave this type of accommodation after a short period of time, is completely lacking];

«She seemed unsure about going to a shelter with her children, in consideration of the fact that it was difficult for her to give up the lifestyle typical of her culture»;

«They seem to be more rooted in their culture and their prospective is to return to the camp and this is the solution that they expect»;

«Children are well integrated, but then they "miss jumping in the puddles" (Z.'s words⁹⁸) when it rains outside and they are inside, as a demonstration of the fact that, although they are happy to have a bed, a warm meal and a roof above their heads, they remain tied to their culture and to their mum»;

«It needs to be noted that the minors belong to a Roma ethnicity of Bosnian origin; it is obvious that the social, environmental and relational aspects that characterise this ethnicity with regard to affective and environmental relations among its members, are certainly not comparable to our lifestyle. We would like to emphasise that with such statement we don't want to imply that our lifestyle and our quality of life offer a better type of organisation, but just that the life and the relational and affective organisation that they have is ... different. With this statement we don't penalise the nomad "culture", but rather emphasise how minors, people in developmental age, find themselves living through environmental, affective and educational discrepancies in a social context that is completely different from the one of origin ... These discrepancies will be hard to deal with, when these minors will find themselves with children or adolescents who do not belong to their ethnic culture. Having said that, if the kind of life that our children experience in the nomad camp can be attributed to their culture - established in a territory where certain attitudes, including educational attitudes are shared -, in our social system this type of life cannot be accepted and, note, not for mere racial motivations, but only and mainly for the respect that our culture owes to people in developmental age in that, the boundary between the comprehension of the cultures of others and the disrespect for the individual, is sometime extremely thin. At the beginning we were mentioning the cultural and social differences between the ethnicity of origin of the child and the society in which he/she lives. We also emphasized that it is not our custom to refer to racist conceptions, but we are simply taking note of a diversity. [...] All this means that X. and Z. must

⁹⁸ Z. is the fake initial of the name of the female Roma minor included in the social worker's report, which is here omitted for privacy reasons.

have an opportunity to live a life where health, culture, rules, sharing, is part of their specific cultural baggage, without denying their origin. It will be only after a "normal" upbringing that the children, who will have become young adults in a few years, will be able to choose whether to continue living their existence according to their culture of origin or to continue living in this social system. It's only about giving an opportunity, a concrete opportunity that implies some little but certain things, such as a home, affection, the respect for their small existence».

The report above, is signed by the manager of the "family-home" and it was written by an educator. Beside the many syntactical and orthographical mistakes – indicative, at least, of the scarce attention that the author paid while drafting the report – what is particularly striking is the association of the kind of life experienced by the minors in the "camp" to the Roma culture, and the racist use of the relativist approach. On several occasions, the educator points out that *racial motivations* and *racial conceptions* are totally rejected and that the difference between Roma and non-Roma is in no way assessed in terms of value, but it is just considered as a given fact. In light of these differences, the only way to expand the opportunities of choice and self-determination of the minors – an objective that every project targeting minors should pursue – is their removal from the parents. In the educator's point of view, a *home, affection, respect*, are prerogatives typical of the majority society, while they are totally missing in the cultural horizons of the Roma *ethnicity*, they are absent in *their* lifestyle. The educator's approach is particularly relevant because it is in line with the one of the authorities and of the deputy major of the Municipality of Rome Sveva Belviso, mentioned in the previous chapter. The lack of well-being and of social, economic, schooling opportunities in the "camps", can be solved not by improving the life conditions of parents and communities, but by removing the minors and by placing them in other families.

Are the decisions of the social services on the placement of minors in other families affected by the fact that children belong to Roma communities?⁹⁹

«I would like to point out that I have some doubts on the possibilities of success of foster care for the youngest children, as I believe I would not be able to find an available couple. I'm also afraid that returning to their environment of origin after a period of foster care, may be detrimental for children of nomad culture».

«We reflected upon the feasibility of foster care for situations such as that of the minors Z., coming directly from the nomad camp».

«Due to their age and their sense of belonging to the clan, a successful adoption placement is extremely unlikely».

Here below are some expressions and sentences drawn from the social workers' reports that are particularly telling:

«Since it is about clans with illiterate children»;

«Therapeutic support...It is assessed that this modality is completely alien to their culture»;

⁹⁹ This topic is extremely complex and because of thematic reasons, it can only be mentioned briefly in this report.

«With regard to the care of the child, Ms V. reports that she is supported and advised by the older women of her community. According to their traditions, the whole community often gathers together; children are used to being in a group. The whole group maintains linguistic traditions, the long skirts and a certain reticence towards non-Roma»;

«The minors, as the majority of nomads, spend the hours of the day not dedicated to their schooling outdoors, either in the camp playing with their peers or on the streets with their mother, presumably begging»;

«She has interiorised norms and behaviours of her culture and presents herself as an adult who has reached her autonomy in decision-making and in managing her life»;

«To keep the status of nomad-beggar»;

«They have a deeply-rooted culture. Their attitude is reticent towards any questions»;

«Her recent behaviour in the family-home clearly shows her intention to resume, and also induce in her son, behaviours and lifestyles typical of her culture of origin, in preparation of their return to the family».

To conclude, we include an excerpt from a verdict, emblematic of the approach of the judicial authorities in some cases:

«The court's decision with regard to the cases of minors of Roma origin is more delicate, complex and challenging, since it has to weigh, on the one hand, the interest to the protection of the cultural identity of the family of origin and, on the other, the minor's interest to be raised in an environment that can ensure a healthy psychological and physical development...Therefore the panel of judges (...) strongly contends that it is unacceptable that belonging to the Roma ethnicity allows parents to abuse their children and to train them to beg, steal and rob, thus condemning them to a future made of fear and escapes when they are young, and of detention when they become adult. The right of a child living in Italy, regardless of his/her ethnic belonging, must comply with national and international law (...) Belonging to a Roma family and following the tradition of living in a camp, does not legitimate parents to behave as in the present case. The protection of the ethnic identity of the child should give way to the protection of the person *in fieri*, so that his/her harmonious development is not irreversibly compromised».

In this regard it is worthwhile stressing that *Associazione 21 luglio* completely agrees on the fundamental importance of protecting the minor and guaranteeing the worth of the individual. We do not intend to enter into the merits of the verdict, but we would like to underline the judges' view and the image that they depict of the Roma. The judges in question assert that belonging to the Roma ethnicity automatically exposes minors to begging, thefts and robberies. The authors of the verdicts mentioned above, depict Roma parents as parents who, because they are Roma, abuse and exploit their children, training them to commit illegal acts. In this perspective, the adoptability – that is, cutting off ties with the parents, with the bearers and means of the Roma culture – becomes necessary to take the minors away from a life of *escapes* and *detention* and from a destiny marked by *the tradition of living in a camp*.

THE INTERPRETATION OF THE PHENOMENON

The qualitative research was needed in order to complete the inquiry. The aim was to find interpretative keys for the quantitative data and to explore the different professions that intervene in the path leading Roma minors to adoption.

Using the methods already described above, we interviewed: seven judges of the JC of Rome (of which one honorary member and six magistrates); three public prosecutors at the JC of Rome; the president of the JC of Rome; a privileged observer, anthropologist and manager of a family-home; seven social workers - of whom one hospital social worker, the manager of the social welfare services in a Roman district with a significant number of Roma, the manager of the Centre for foster care and adoption of the Municipality of Rome, the manager of a family-home, the president of the Regional organisation for communities for minors in Lazio; two lawyers; a social mediator; a representative of the Municipality of Rome and an intern psychologist at the JC of Rome¹⁰⁰.

The words of the interviewees are reported and commented here below, divided by thematic areas.

1. PERCEPTION AND INTERPRETATION OF THE INCIDENCE OF CASES OF ROMA MINORS

Only a little more than one fifth of the interviewees has the perception that the number of Roma minors declared adoptable is extremely high in relation to the Roma population and to the overall number of adoptions, whilst the majority defined scant and unimportant the presence of Roma cases followed by the JC of Rome from 2006 to 2012.

«Considering how many [Roma] there are all in all, Roma cases are few»¹⁰¹.

«All in all, considering the number of Roma, perhaps it's possible to say that the percentage of Roma children declared adoptable is quite low, it isn't high, not at all. Considering the conditions in which they usually live...»¹⁰².

«In my opinion there isn't a high incidence. They seem few, given that Roma live in conditions of hardship»¹⁰³.

«In Rome I don't think it is the case [there isn't a high incidence of Roma adoptions], Roma cases are very few. Despite the fact that the conditions of neglect are utter: we should remove all these children. If we don't have very serious reports, we turn a blind eye, as we don't have the instruments...it would become a war against a minority. It would be fair, but targeting

¹⁰⁰ The intern psychologist was not formally interviewed but she made some interesting comments during a meeting and thus we asked her permission to include some of her statements.

¹⁰¹ Interview with D., judge at the JC of Rome, 17 January 2013. In order to protect the interviewees' anonymity, the initials of all the surnames have been modified.

¹⁰² Interview with C., judge at the JC of Rome, 24 January 2013.

¹⁰³ Interview with I., judge at the JC of Rome, 5 December 2012.

only this minority... [the prosecutor goes on saying that they *should target* also *Muslims, Chinese* etc.]»¹⁰⁴.

The other interviews are more or less similar to those reported above and the very few exceptions will be discussed further head.

The interviews indicate that the idea that, given the material conditions in which Roma live, the number of verdicts declaring adoptability could have been much higher, is widespread. The perception one gets by listening and reading the interviews again is that, although the Law on Adoption expressly recognises that poverty cannot justify the removal of minors, many judges consider that poverty can lead to the suspension or the termination of parental authority and that the material conditions – regardless of the parents' will – can become the premise of adoptability.

Confronted with the absolute and percentage data on the high incidence of Roma adoptions, the interviewees, gave two interpretations to the phenomenon: the first, the most common, attributes the phenomenon of Roma adoptions to an alleged inadequacy of the Roma culture, whilst the second – shared only by a few – traces back the origin of the phenomenon to the inadequacy of the local policies and of the social and economic conditions in which Roma live.

2. THE INADEQUACY OF THE ROMA CULTURE: DIFFERENTIALIST RACISM

Several interviewed judges, when confronted with the figures on Roma minors declared adoptable between 2006 and 2012, took a defensive attitude and reiterated that there is no prejudice or witch hunt against the Roma:

«It is not because of the mere fact that he/she is Roma that they have a greater probability, it's because of the situation in which they live: in degradation, neglect ... then we take them away. But if he/she receives the needed care it's not because he/she is Roma ... On the contrary, we take into consideration the reality, the reality of the camp, [the fact] that they are marginalized people, who don't have a good house ... adoptability and child neglect have to be put in context».¹⁰⁵ Although the tone of these words could suggest an impartial attitude, attentive to the specificity of each single case, they actually belong to the same judge who is the author of the verdict mentioned in the previous chapter and who also made several stereotyped statements which we report later on.

Although they declared to be immune to any form of prejudice, several interviewees maintain that Roma people's parental inadequacy has a cultural origin, that the Roma culture makes parents inadequate. Affirming that Roma are, in absolute terms and as Roma, unfit to raise children, hides forms of deep rooted racism. Here we do not refer to classical racism, but to the current forms of racism, such as culturalist racism, also called differentialist racism. Neo-racism sees otherness as something absolute, immovable and unchangeable, as if there was no possibility of dialogue and synthesis between the different components of the society, and as if

¹⁰⁴ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

¹⁰⁵ Interview with R., judge at the JC of Rome, 3 December 2012.

the individual members of each group were all doomed to similar characteristics and existences. Differentialist racism is based on an extreme form of cultural relativism that justifies exclusion and rejection with the principle of difference; a double standard of judgement is applied and human rights are reserved to certain groups and denied to others.¹⁰⁶ Out of 23 interviews, 18 contain this kind of assertions.

Excerpt from the interview with the above mentioned judge: «If we were to use the same criteria for everyone, we should remove them all [the children] from the Roma. But we have to respect also their traditions, their culture, their ethnicity, their way of life. Even though their living conditions are not in line with our civilized standards.»¹⁰⁷ This latter statement is full of cues: apart from the sentence that opens the reasoning – discussed later– the judge implicitly admits applying double standards and infers that, although *their way of life* is inadequate and for this reason *all* Roma children should be removed from their parents, the respect for diversity must prevail over the protection of the minor. *Our standards* – we presume those of the majority society – are defined civilised and the world of Roma – although not mentioned here – symmetrically becomes a world of barbarism. The images of the savage Roma and of the pre-modern Roma are also recurrent, as it will be illustrated later in the report. Whilst according to the mentioned judge, even though they should, courts do not remove all Roma children from their families because their culture and their lifestyle must also be respected, according to a deputy public prosecutor the removal of the children – which, in his opinion, should happen systematically and on national scale – is not feasible because it would expose the JC to accusations of racism: «We should declare the state of neglect for all the minors from the nomad camps, which are lots in Italy, and they do not only exist in Rome. We are only in charge of Lazio, but we should [do it] nationwide. It is because of this that there is a certain tolerance. It would be fair, but legally we don't do it because [...] something like this would make everyone talk of racism, especially the media»¹⁰⁸. When asked to confirm the concept he had just expressed, that is that all Roma children should be given for adoption, but this is not possible because otherwise they would be accused of racism, the public prosecutor also specifies the age group of the minors who should be involved in such mass adoptions: «All the children under 8 years of age»¹⁰⁹. What the public prosecutor wishes for, partially reflects what happened in the last 7 years: in fact, from 2006 to 2012, 53% of Roma minors declared adoptable was less than 8 years of age.

Another public prosecutor considers that: «If we apply our perspective and see how they live, how they are kept, how they grow up, they should all be adopted. But we have to differentiate those situations in which the harm is serious and evident»¹¹⁰.

According to another judge: «The life conditions in which Roma keep their children are extremely inadequate and cannot be accepted in our social system. In the sense that children

¹⁰⁶ On the differentialist racism see: Taguieff P., *La forza del pregiudizio. Saggio sul razzismo e sull'antirazzismo*, Il Mulino, 1994, Bologna.

¹⁰⁷ Interview with R., judge at the JC of Rome, 3 December 2012.

¹⁰⁸ Interview with T., deputy public prosecutor at the JC, 13 December 2012.

¹⁰⁹ Interview with T., deputy public prosecutor at the JC, 13 December 2012. In Saletti Salza's research (*op.cit.*, 2010) Roma children declared adoptable between 0 and 8 years of age represent 75% of the total, whilst on the basis of data collected in this research, 52% of Roma minors declared adoptable is under 8.

¹¹⁰ Interview with M., public prosecutor at the JC of Rome, 20 December 2012.

are not vaccinated, don't go to school, are taken to steal, to beg, and they are very often also abused...cigarettes put off on them, beaten up with belts. Therefore we deem that children cannot be kept like this». Situations of abuse, lack of schooling, serious violence, begging and conditions of risk for their health are indiscriminately and generically attributed by the interviewee to the entire Roma community. In the judge's view, being Roma seems to mean automatically inadequate living conditions for the child. When asked to confirm this idea, the interviewee restates that the factors mentioned at the beginning of the interview are «always present in the cases of Roma and very rarely in cases of neglect within families of the majority society»¹¹¹. However, as the judge specifies later, there are also different, *positive* cases: women who, «*although they are Roma*, led an acceptable life». The exceptions are those of Roma who experienced social inclusion: «Families who keep their children in acceptable conditions are those who have lived a little bit outside the camps: the grandmother works in a *pizzeria*, the granddaughter is attending a course to become a nurse...At least someone who has been outside, who has seen how...I don't mean that they don't know how to live, but they see this world only as a world to be exploited, they have to beg [...]. If one of them can integrate, then he/she brings these behavioural differences into the camp. Social exclusion has a great weight [meaning that] the culture is inadequate; it would become acceptable if at least one in that family was already integrated and included: but if they stay there, it's inadequate! We cannot say that it isn't inadequate. It's inadequate, very inadequate if it stays confined». When asked whether the mentioned issues – begging, scarce schooling and so on – could be also ascribed to poverty, the interviewee strongly rejects this possibility: «No! No! They all have money because they steal! [...]. It isn't true that they don't make money! [There was] A gypsy with a big full skirt, the daughter says: "Do you know what's under my mum's skirt? My mum doesn't wear underwear, but under her skirt she has 3 pockets: in one she has money, in another she keeps drugs and in the last one she has gold!" You understand, this is the lesson! This child wasn't very clever, but she understood and used to say: "I don't want to go back there [in the "camp"], because I'm scared!" There are many children who are afraid of going to steal, but they are forced to do so. Because at a certain point they start training and they end up stealing, otherwise they are beaten up, hammered.»¹¹²

Another judge states: «[Roma's cultural traits are] inadequate compared to our standards of life».¹¹³ According to the judge, the common feature in the stories of the Roma would be their «failed integration», due to cultural issues: «After all, they are Roma, they are nomads, the fact of moving around, of considering themselves and behaving as a community apart, different, is in their DNA. They pass on their traditions». With these words the judge outlines the essence of being Roma as something that heralds exclusion. We should not be surprised if Roma are not included in the society, since their failed integration would be a substantial trait of the Roma world, rooted in their bodies, a consequence of nomadism¹¹⁴ and of the innate tendency to isolation and travelling.

¹¹¹ Interview with P., judge at the JC of Rome, 18 March 2013.

¹¹² Interview with P., judge at the JC of Rome, 18 March 2013.

¹¹³ Interview with C., judge at the JC of Rome, 24 January 2013.

¹¹⁴ As pointed out by the National Strategy for the inclusion of Roma, Sinti and Caminanti «The old conception, which associated these communities to "nomadism" is out-dated: this term is obsolete both linguistically and culturally since it does not portray correctly the current situation». See: Presidency of the Council of Ministers, *National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities. European Commission Communication n.173/2011*, 28 February 2012.

According to several interviewees, also outside the JC, it is the rift between Roma and the majority society, as well as the lack of communication and the cultural distance between the two realities that makes the inadequacy of Roma parents irreparable.

«They don't have alternatives: that is the camp, that is the culture, they see the alternative but in any case those (*the others*) are Italians»¹¹⁵; this is a statement by a social worker who seems to ratify the impossibility to change. The culture and the housing condition appear inescapable and according to the social worker, even if they were aware that there are different models, they would not be able to follow them, because Roma are Roma and Italians are Italians. «There isn't much margin of change with them, in the sense that they are obviously very firm in their mentality, in their culture. In general and in theory this is fine: nobody would dream of imposing a culture. However, when it comes to the protection of children, there's a huge difference, in the sense that they have ways of life completely different from those that, in my opinion, are the bare minimum for the safeguard the child: clothing, nutrition, going to school»¹¹⁶. The words reported here are a perfect manifestation of differentialist culturalism: the social worker not only attributes a cultural character to an issue that seems more economic in nature – she refers to clothing and nutrition – but also defines these alleged cultural traits as immutable and incompatible with those typical of the majority group (*those that in my opinion are the bare minimum for the safeguard of the child*). It is interesting, since it represents in a very coherent and punctual way what the manuals call cultural racism. Cultural racism does not offer a hierarchical vision of the "races" defined on a biological-genetic basis, as it was the case with the so-called classical racism, but it attributes to the different cultures a character of incompatibility and incommunicability, as if the concept of culture was a substitute of that of race and as if humanity was conceived as a mosaic, an ensemble of discontinuous fragments, in which the categories *us* and *others* are two dichotomous and opposite terms, doomed to remain impenetrable to each other. The amazement of a public prosecutor who, dismayed, does not comprehend how there could be conflicts and tensions among Roma living in the same settlement, is perfectly in line with this approach: «I saw this wall which really impressed me, it reminded me of the Berlin wall. In order to prevent that they come to blows and beat each other up every day, the authorities made these fences, these divisions within the camp. This is the thing that makes me think a lot: how can they integrate among us, Italians, if they don't integrate among themselves, who are nomads? You had never thought about this, hadn't you?»¹¹⁷ The information that the interviewee reports, besides being completely inexact since there are no walls or fences in the «equipped village» that he refers to, come from the erroneous assumption that members of the same category are identical; so being Roma entails common attributes and, necessarily, sharing behaviours and values, as if conflict and dissent – and thus the push towards change – could not find any space among the single members of the same group.

The social worker already quoted above reports: «They [the Roma] don't succeed in accessing services, in being supported as parents; to them it's ok like this [...]. It's difficult to make them understand that their attitude is wrong and therefore they don't succeed in recovering as a family that can take care of a child. It's because they are too attached to their

¹¹⁵ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹¹⁶ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹¹⁷ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

mentality». ¹¹⁸ *Their* attitude is wrong and *their mentality* is too rooted to be changed. The social worker goes on: «Perhaps the common element [in Roma cases] is the difficulty to change, or to perceive that they have to modify some...that in the end, it is not about changing their culture, because sometimes I think about it and I realise that it isn't fair to impose different cultures; though it is really about understanding that the child isn't well like this – which is our view, this is true – but I think some criteria are univocal and then it isn't the cultural change, for Heaven's sake. It's the conceptual change on those minimal things that should be achieved. But also [the change] of themselves: the hygiene...there are some things which are objective and should be valid for everyone, for them maybe not» ¹¹⁹. The interviewee attributes parental deficiencies to cultural issues and, in light of alleged deep differences in mentality, she wonders whether it would be appropriate to impose our own culture, given that some rights are objective, but *maybe*, not for *them*. These words dismiss the idea that the ambition to have one's rights respected is universal, and they reveal a discriminatory idea; that human beings enjoy different degrees of dignity and different rights, based on the culture to which they belong.

The concepts of *ethnicity*, *culture*, *clan*, are consistent with this vision. They are static concepts, they presuppose that identity is something rather fixed, crystallised, and that the destiny of individuals, is irremediably tied to that of their group of origin and is also impermeable to change. «All Roma children should be given for adoption» – is a sentence that comes up not only in the already mentioned research of Saletti Salza, but also countless times during the interviews carried out for this research. This sentence is a perfect example of culturalist racism, since Roma are conceived as an undifferentiated group, and being Roma is seen as detrimental, as a threat to the child's serenity and implicitly also as the reason for the parent's inadequacy. If these positions were just the expression of a cultural phenomenon, their dangerousness would be limited; however, in this case, they are an instrument of work and, as such, they assume a significant weight. The boundary between *us* and *them* converts from social into ethno-cultural, from transitory and mutable into objective and static, so if inadequacy is typical of being Roma, if it belongs ontologically to every adult of such a misunderstood and unknown minority, then the interventions of social workers become redundant and leave room to the interventions of the judges, that is to the removal of the minors from their parents.

Indeed, the seriousness of the culturalist approach lies also in the fact that it reshapes the role and the incisiveness of the social services and it affects the way they do their work. The interviews reveal that, because they are perceived as the emblem of a mentality that is too different, some social workers consider Roma families irredeemable; for this reason, they delegate the case to the judicial institutions, since the removal of the minor seems the only possible course of action. Starting from the same assumptions, some social workers do not expect Roma minors to enjoy the same rights as non-Roma minors and they tolerate situations that they would otherwise report in the case of other children.

«The social workers' idea on Roma that: "They are all the same, it's their culture", is not only typical of them. The consequence is that, as a social worker, you cannot design support strategies» ¹²⁰ a social worker says.

¹¹⁸ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹¹⁹ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹²⁰ Interview with a social worker at the Municipality of Rome, December 2012.

One of the effects of this approach is the use of double standards, a double parameter to assess Roma parents as opposed to non-Roma parents.

«If [it happens in an Italian's home] I'm very tough, because it is unconceivable. There, I see the dirty environment and I say it's normal, I contextualise it to the camp»¹²¹. This sentence does not contain elements of racism in itself, but it is the conceptual premise that is racist, since the double parameter – as explained in the course of the interview – is applied not in light of the conditions of extreme destitution and exclusion in which many Roma live, but by virtue of an alleged cultural incompatibility.

Another social worker states: «I use different criteria...with Roma it's clear that you can't relate to them by demanding that every day they go to school, because they don't have it in their culture and mentality»¹²². This approach is shared across the board by the various professional categories involved in the several interviews and it implies that Roma and non-Roma have different rights and duties. An interviewed anthropologist comments: «If one were to use coherently the instrument of reporting for all children who don't go to school, there would be many proceedings regarding Roma children. But the reports are not filed. On the basis of what principle is it determined that some children have different rights and duties? On the basis of the fact that they are Roma, and therefore they have a certain kind of relationship with the school! [...] In this way, we create a black hole, which is not reached by rights, duties and protections.»¹²³

In the juvenile justice system, the only actor that during the interview appeared impartial towards Roma, is a lawyer who was reached by phone, after his name was noticed in many case-files. The lawyer acknowledges the heterogeneity of the Roma world and underlines that it is not possible to formulate a univocal and uniform opinion on the cases regarding Roma communities: «I treat each case from the minor's viewpoint, regardless of whether he/she is Roma or not. There are conditions and conditions, caring mothers and mothers who aren't, regardless of the fact that they live in a camp or in poor material conditions. If there is an affective, structured relationship, the child should be left with the mother, if the relationship is lacking, if the mother refuses every kind of support, then we might find a condition of material and moral neglect. But we can't talk about a cultural issue regarding all the Roma. Each situation is different [...]. We have to go to the camps, see how they are. There are different homes, also there. Houses that are clean and well-kept and houses that aren't.»¹²⁴

3. STORIES UPHILL: THE ROLE OF MATERIAL CONDITIONS AND SOCIAL POLICIES

How many times have parents seen their children being removed by social workers because the housing conditions of the "camp" were deemed inadequate? To what extent do the characteristics, the gaps, the material disadvantages typical of the settlements' environment –

¹²¹ Interview with C., social worker in a district in the Municipality of Rome, 9 January 2013.

¹²² Interview with B., social worker in a district in the Municipality of Rome, 9 January 2013.

¹²³ Interview with a privileged observer, anthropologist, Rome, 5 December 2012.

¹²⁴ Phone interview with D., lawyer, Rome, 11 December 2012.

also of the so-called «equipped camps», funded by the same institutions whose representatives invoke the application of article 403 of the Civil Code – affect the court verdicts?¹²⁵

Many among the interviewees acknowledge that housing and material conditions play a role in determining a high incidence of Roma adoptions; however almost everyone explains such conditions by referring to the Roma culture and denying the role of local policies. Only a prosecutor and a judge distance themselves from the culturalist perspective.

«The material and moral neglect [...] can happen to anyone, an Italian citizen, a foreigner, a Roma, a stateless, and so on.»¹²⁶ The prosecutor in question is the only one who acknowledges that the state of child neglect may concern any minor, regardless of cultural and national origin, and who considers that the number of Roma children declared adoptable is high.

The only practitioner who was outraged by the double standards approach, is a judge of the JC whose considerations are clearly very different from the ones gathered during interviews with other judges. With regard to the double standards of evaluation and to the racist culturalism concealed behind them, the judge states: «Is there prejudice? In my opinion there is a difficulty in achieving a cultural harmony, I would say this is a fact. If this generates prejudices then, I don't know. Sometimes it creates negative prejudices, sometimes it creates inexplicable leniencies. Because behind the umbrella of the Roma culture, we either condemn too much or tolerate too much, which, in the end, are two sides of the same coin, they are the same attitude and I find this particularly incomprehensible. Especially with regard to the generations who grew up and lived here, meaning that the respect for a culture is one thing, but the protection of rights is another. So it isn't possible to read or say that the fact of vagabonding or not studying belong to the Roma culture: it isn't true. Also because we have positive examples going in a different direction; then obviously, the more one proposes this model, the more it comes true as then it's clear that one tolerates more, that school evasion is more tolerated. So, if this is the reasoning, yes: there is a prejudice in the sense that [...] this social disadvantage – which is only a social disadvantage – becomes a cultural feature. This is deeply wrong»¹²⁷. These are nearly the only words pronounced within the JC that openly acknowledge that the conditions of social disadvantage run the risk of erroneously being considered cultural issues, and as such hard to revert. A similar approach is adopted by the last public prosecutor mentioned here, who admits applying sometimes a different parameter of judgement, but not because of cultural issues that have to be respected at all costs and which cannot be assimilated. The diversity that he pays special attention to, is not cultural, but is linked to social exclusion, social disadvantage and lack of resources: «Probably I deem the situation of an average Italian much more severe in comparison with that of a Roma who's doing much worse, because in theory the Italian has the advantage of being included in the social fabric».¹²⁸The prosecutor goes on: «When the NAE¹²⁹ visited the camps [...] it seemed like

¹²⁵ The reference is to the declarations of the deputy mayor Belviso mentioned in the previous chapters, on the opportunity to remove Roma children from their parents.

¹²⁶ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

¹²⁷ Interview with G., judge at the JC of Rome, 15 January 2013.

¹²⁸ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

¹²⁹ The NAE (*Nucleo Assistenza Emarginati*) is the Unit for Assistance to Marginalised People of the Local Police. See:

https://www.comune.roma.it/wps/portal/pcr?jppagecode=municipio_xx_pol_com_nae.wp

they thought that there was a situation of carelessness but all in all, within the average of the camps. As if to say: if he was Italian I would have removed the child, but since he's Roma and all Roma live in these conditions in the camps, it's tolerable. And what do you think I should do? How fair is such kind of thing? The management of Roma camps is wrong»¹³⁰. The prosecutor's statement introduces the fundamental issue of the role and influence of the local social policies on the JC's legal interventions, of the difficulties that the discriminatory policies of the "camps" create for judges and social workers. The interviewee's sentence makes us understand that, in his opinion, it is not right to tolerate degradation, it is not right to adopt a double parameter of judgement, but since it is the State that places Roma in "camps" and institutionalises the conditions of disadvantage, the public prosecutor has no choice but to apply a double parameter of judgement.

«If we had to comply with the law, many children should be removed from the Roma, of course we don't do that and we report only the more extreme cases, also because who placed them there?»¹³¹: this is the statement of a representative of the Municipality of Rome. It refers to the influence of the local policies – policies of exclusion and segregation¹³² – on the minors' life conditions, and consequently on the opinions of judges and social workers regarding the possibilities of well-being and psychological and physical development offered by the parents to their children.

Also with regard to the double parameter, applied because of the material disadvantage in which many families live, and not because of an alleged innate incapacity of Roma parents to create situations appropriate for children, the manager of the social services of a Roman district states: «Certainly a different parameter of judgment has to be used. You cannot think that you can adopt the standards you apply to an Italian individual living in a house with heating and so on, because objectively they have fewer resources than us»¹³³.

«[That of Roma] is much higher percentage wise. It's clear that there are factors of social disadvantage regarding the Roma but also other sections of the non-Roma population [...]. The issue [for Roma minors born and raised in Italy by parents living here for a long time] is: "why after two generations integration has not been achieved yet? Why do they still live in camps? Why are the policies of school inclusion still not working?"... [As far as newly born children coming from families of recent immigration are concerned] at birth it's already clear that their situation make us doubt that they could...I mean, they live in huts, but these are temporary huts that are continuously dismantled and there the problem arises, because a new-born shouldn't stay with them. Then, what's the more adequate intervention? This is the question [...]. There is a very clear impact of social policies. The camps are the product of such policies, this is unquestionable. It's clear that staying in a camp represents a situation of extreme social disadvantage. There are difficult situations also in this camp, like drug addictions, though not differently from what happens in certain situations of the Roman outskirts: I mean, there isn't a stigma because they are Roma, there is a social problem due to marginality»¹³⁴. The judge reports the case of the Casilino 900 "tolerated camp":¹³⁵ after having

¹³⁰ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

¹³¹ Privileged observer of the Municipality of Rome, January 2013.

¹³² See the reports by *Associazione 21 luglio*.

¹³³ Interview to the manager of social services in a district of Rome, 9 January 2013.

¹³⁴ Interview with G., judge at the JC of Rome, 15 January 2013.

dismantled the settlement, the municipal administration transferred the families to settlements and shelters that are extremely far from the Casilino borough. Due to the eviction, 32 minors missed the school year and lost the network of social relations built through the years. Those who carried on with their studies, continued to be enrolled in the schools of provenance: too distant from the settlements of residence and with a rather inefficient service of school transport; they arrive at school one hour late and leave one hour earlier every single day, missing classes and moments of socialisation¹³⁶.

According to the judge, social disadvantage – due to which new-borns cannot live in huts or children encounter a series of obstacles in schooling – is clearly the result of policies. «This is the background in which we work. It's clear that all this has a great impact. The problem is that the cumulative disadvantage cannot be overcome: we have a general situation of social disadvantage, where in addition individual disadvantages develop. If we have situations in which the individual disadvantage – for instance the drug addiction or the abuse suffered or witnessed by the children – is added to a condition of social marginality on which we cannot intervene, then it's clear that this makes the whole difference»¹³⁷.

The judicial intervention seems to fill in the gaps of the local policies, also of those at first glance distant from the judiciary, such as the housing policies. The disadvantage generated by such policies harms the minor, and the material, health, psychological and moral risks of life in the "camps" end up in the courtrooms. Not all the judges distinguish the parental responsibility from the responsibility of the social policies. The necessary removal of the minor from his/her inadequate housing environment, coincides with the removal from the family context, which, if potentially adequate, necessarily becomes inadequate.

«If we had to reason in general systemic terms [...] these situations, or the vast majority of them, are influenced by a very marked initial social disadvantage. In the specific proceedings, I can't take into consideration the fact that together, social disadvantage and individual disadvantage produce an unrecoverable parenting incapacity[...]. The key is the cumulative disadvantage [...]. There is an economic problem concerning some sections of the population, and for the Roma the problem is also the segregation: the individual disadvantage develops on it and generally these elements together cannot be addressed through an intervention of recovery, ... because then there are also stories of a different kind [...] each story is a story. This being said though, these are all stories uphill [...]. I would say that in these cases we are faced with a complexity of factors that consists in the piling up of the disadvantages. So we have to remove the conditions of disadvantage but we also have the duty to protect the minors, so if we can't remove [the conditions of disadvantage], we can't solve the case differently only because there is a disadvantage [...]. I wouldn't attribute it to an alleged stigmatization of the ethnicity *tout court*, supposing that Roma are an ethnicity. I would attribute it to the fact that the conditions of particular social disadvantage represent a particularly difficult challenge for the system, both the socio-institutional and the judicial one, and sometimes it's a challenge that we can't win »¹³⁸. According to the interviewee the inadequacy of a parent can be made up for,

¹³⁵ The dismantlement of the Casilino 900 "tolerated camp" in February 2010, is largely documented by *Associazione 21 luglio*. See: *Report Casilino 900. Parole e immagini di una diaspora senza diritti*, 15 February 2011.

¹³⁶ See: *Associazione 21 luglio, Rom(a) Underground*, February 2013.

¹³⁷ Interview with G., judge at the JC of Rome, 15 January 2013.

¹³⁸ *Idem*.

when this is not combined with segregation and economic marginalisation. In his opinion, the high incidence of adoptions of Roma minors, can be interpreted also in light of the prejudicial environment of the "camp" and of disastrous social and housing policies. Living in a settlement exposes people to a condition of vulnerability that can be hardly compensated by the social services' intervention, and the JC ends up having to deal with it. The public prosecutor quoted at the beginning of the paragraph – one of the very few interviewees at the JC of Rome who acknowledges that the number of adopted Roma is large and who makes reference to their social conditions – states that in the court, they operate within the failures of politics: «As usual, the failures of politics and of the public administration are dumped on the judiciary»¹³⁹.

Social workers are also working in a context of failed policies and lack of resources. The manager of the social services in an important Roman district in terms of number of Roma residents, denounces –: «The greatest problems [occurred] when they opened the other camp in Castel Romano, because that is not a camp anymore but a city, a real ghetto, because of its location, the quantity [of people] and the diverse ethnicities there were inside; there, some problems began. A very short-sighted policy. Because the location, being outside [the city], very far away, they were, they are, absolutely poorly connected. Moreover, with the problems that they create, because...well, they are a quite lively population, the nearby COTRAL bus stop was closed, exactly to avoid...so they are locked in there. Also the difficulties in getting to know them as it was necessary, and in working with them as it was necessary, made the work a bit harder»¹⁴⁰. According to the manager of the Pollicino Centre of the Municipality of Rome,¹⁴¹ the policy of the «equipped villages», of the "mega-camps", appears to have determined and accelerated a detrimental process of family disintegration, which could explain, according to the interviewee, many cases of removal of minors: «The contacts we have with the managers of the family-homes, tell us that most of the time [Roma] minors end up in family-homes because there is a disintegration of the family unit. The crises which erupted within Roma families didn't find anymore a response ...in the internal welfare mechanism benefitting also the minors who, in the past, continued to live within the extended family. Because today this extended family doesn't exist any longer, at least in its traditional form. Where there are small camps this phenomenon hardly occurs. Roma minors in family-homes and those we came across, all come from the big camps. Often the court's decision simply ratifies the situation of material neglect, in the sense that often, nobody has taken care [of the minor] within the Roma community»¹⁴².

The social worker just quoted, goes on with a reflection on the difficulties connected to her working conditions: «[We feel] absolutely powerless, with a workload – above all regarding minors followed by the judicial authorities – that is unmanageable, that we cannot handle the way we would like to. We have few resources and I believe that it is the reality of big camps that doesn't work. Because they become like small cities, unmanageable. Rather, when they were smaller [the camps], you could get to know the families, you could start implementing some projects with some family units, the others looked around and adapted a bit to the environment [...]. A camp big as the one in Castel Romano doesn't allow the emancipation, the

¹³⁹ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

¹⁴⁰ Interview with the manager of the social services in a district of Rome, 9 January 2013.

¹⁴¹ The Pollicino Centre is the centre for foster care and adoption of the Municipality of Rome.

¹⁴² Interview with the manager of the Pollicino Centre, Municipality of Rome, December 2012.

differentiation, the development of these people [...]. Whilst we can choose, in a context like that, they cannot choose. The freedom of choice becomes more difficult than for us»¹⁴³.

The president of the Regional Organisation for communities of minors in Lazio also confirms the difficulties in carrying out social work – difficulties affecting the success of social workers' interventions and undermining the protection of the most socially vulnerable categories: «The problem of the social services is that they are overwhelmed. Some years ago they compared the XVIII district and the city of Modena, which had the same population. The district of the Municipality of Rome had 5 social workers, the Municipality of Modena 50. Where there are no investments in social services, confronted with certain situations the social workers say: "I can't do anything". In the overall system, Roma become the fifth wheel, they are after the migrants. Also because people say about them: "Who cares, anyway, they are not interested!"»¹⁴⁴

According to the only hospital social worker interviewed for this research,¹⁴⁵ it is the cumulative disadvantage the cause of many cases of Roma minors neglected by their parents. The interviewee reports several cases – always cautioning that they concern her individual experience and, as such, they are not representative of the complex and articulated reality of the Roma – where economic uncertainty determines the parent's inability to raise his/her child when he/she has serious diseases. In this regard, she reports: «I would not want to make a differentiation, but with regard to the nomads what plays a role is, well..."the nomads"...anyway, they are people with problems, since in these cases it emerges that difficulties are tied to their economic need, because for them it's also an economic burden». She tells about a case: «The father used to come here to walk his child, thus he didn't go to work...because he collected iron, he often lost his jobs, he couldn't work with the truck because he walked the child here. They gave up: there are a series of barriers»¹⁴⁶. Also the housing conditions appear to represent an indirect discrimination. The statement of the manager of the Pollicino Centre can be mentioned in this regard: «In other cases, it was the parent's inability to take care of the health of their children that was particularly significant [...]. Sometimes due to some serious diseases that would make life in a camp really challenging and difficult to bear for a child. Other times due to disability diseases that are as serious, but not necessarily incompatible [with the life in the camp]». ¹⁴⁷ The manager of a shelter, while talking about a particularly dramatic case, remembers that: «There was an important reason why the court declared that the health situation of the child was incompatible with life in the camps. Initially [the mother] wanted to keep the child with her, but then she understood...»¹⁴⁸

Talking again about a Roma family, the hospital social worker mentioned earlier carries on with her testimony: «The child can't be brought there to the camp, in the cold, differently from other children that maybe, I don't know, develop antibodies...with him there is the need to be a bit more careful and, I don't know, keep him warm to avoid that...he's a child who is a bit

¹⁴³ Interview with the manager of the social services in a district of Rome, 9 January 2013.

¹⁴⁴ Interview with the president of the Regional organisation of communities for minors in Lazio, Rome, 11 December 2012.

¹⁴⁵ We tried through numerous channels to interview other hospital social workers, but given the research time frame and their non-responsiveness, it was not possible to carry out more interviews.

¹⁴⁶ Interview with a hospital social worker, 14 January 2013.

¹⁴⁷ Interview with the manager of the Pollicino Centre, December 2013.

¹⁴⁸ Interview with the manager of a shelter, 27 December 2012.

more delicate. In the end, after a year they said no, we cannot do it [...]. For instance, not having a house, often they face an insurmountable situation. The most recurrent element in cases of abandonment is a complex clinic condition, which doesn't allow parents to take care of their children for a variety of reasons. I have never had a case of a healthy child abandoned by a nomad, never.»¹⁴⁹

The social worker reports that the choice of giving up parenthood is often made with deep sorrow and originates from the awareness that it is impossible to guarantee care and material well-being adequate to the child's disease: «It was done with consciousness and also with great sorrow for them, who recognise that they don't have the possibility to take charge of a situation that is too burdensome for them»¹⁵⁰. In this regard the interviewee concludes: «Surely there is a difficulty – but I'm talking about serious diseases, when children are attached to machinery, when there is the need to give the child a daily therapy – thus on a clinical level it's much more demanding, it would be very demanding for anyone. We talk about complex clinical situations, where almost all families go on the fritz and need to create a new balance: if there are external family resources this is easy, but as it often happens with them, they can only count on themselves, so it's difficult.»¹⁵¹

The social worker's point of view is different from that of the majority of the interviewees also with regard to the position that she takes concerning the relations of Roma women with the "family-homes". The topic of children placed in shelters who are abandoned by their mothers was touched upon in several interviews. Many interviewees, in line with their culturalist approach, attribute such behaviour to the cultural background of Roma women, to their alleged instinct for freedom, to their instinct to escape from closed spaces, to respond to the call of the camp and of their partner. As an example: «After a while, Roma escape from the homes. They can't stand the context and the rules...they come from situations where life is different. And then there are external pressures coming from their community. In the case [that she was talking about] the lady alone didn't manage. The interferences of the camp, of the group chief, of her previous life prevailed over the child's needs.»¹⁵²

On the other hand, according to this social worker, placements in "family-homes" failed not because of the culture of origin but because of the emotional and material difficulty of the situations experienced by women, often mothers of many children and dedicated to the survival of the entire family unit: «Supporting a child with such a complex disease, for them it is...this mum for example had 9 children, she had to take care of these 9 children: it isn't easy. Then she used to beg, she didn't even have the time to [visit her child], and the family-home was outside Rome. We lost track of her. The same with another mum I came across, who had a child with a complex disease too. She left him to his dad and ran away with another man. Yes, the cases of abandonment that we had, all involved very complex diseases [...]. Sometimes the mother doesn't accept to go to the family-home with the child, because she has other children and then she has to [...] make a choice: "what do I do? And what about the other children?" Rightly, they cannot always go to the family-homes all together.»¹⁵³

¹⁴⁹ Interview with a hospital social worker, 14 January 2013.

¹⁵⁰ Interview with a hospital social worker, 14 January 2013.

¹⁵¹ Interview with a hospital social worker, 14 January 2013.

¹⁵² Interview with the manager of a shelter, 27 December 2012.

¹⁵³ Interview with a hospital social worker, 14 January 2013.

According to some, besides the material vulnerability, which is sometimes also consequence of policies, other factors that lead to a large number of Roma adoptions are marginalization and social exclusion: «They have fewer resources. What are these resources? They are not only economic resources – though we know that economic resources are important – but also in some cases, cultural and social resources [...]. [With the Roma], once the proceedings [for child neglect] have started, it's easier that they result in a declaration of adoptability... Whilst an Italian has documents, for better or worse, a house, a family or, anyway, demonstrable family ties ... a Roma many times doesn't have them. So not knowing the rules, not having someone to support them and to clarify things, makes them weak parties. Exactly because they start with a disadvantage and then [because] they are not able, even when interested, to get all the instruments»¹⁵⁴. However, this statement is not corroborated by the data collected in the course of this research: as the graphs show, once the proceedings have started, a Roma minor and a non-Roma peer have similar probabilities to be declared adoptable. The element that leads to a high incidence of Roma adoptions is the greater probability that the proceedings are opened, perhaps because of the greater visibility that Roma in difficult housing and economic conditions have, compared to the general population.

«The Roma child is more at risk because he doesn't enjoy protection before the law. Parents are not able to protect themselves against the law. The Italian system has some selection criteria for adoptions. If a mother isn't able to look after her child, if she sends him/her to beg, if she leaves him/her in the cold, if the container catches fire because she went begging...it's obvious that Roma children are more at risk». This last testimony is ambivalent as, on the one hand it recognises the vulnerability of Roma people before the law, and on the other it associates the greater probability of opening adoption proceedings to poverty and neglect, and so it is not clear whether for the interviewee this high incidence is an issue of social exclusion and material inadequacy or of parental inadequacy.

A judge comments: «Then there are also the life conditions. In the camps they live promiscuously. Children sleep in the cold. How can we talk about parenting capacity if we don't create a supporting system for these populations who have migrated, either legally or illegally?»¹⁵⁵ The honorary judge's rhetorical question invites us to reflect on where the boundary between parental inadequacy and inadequacy of the social policies addressed to them, actually lies.

Another judge also acknowledges the role of housing conditions: «Often the inadequacy is determined by the objective conditions in which they live»,¹⁵⁶ though in this case such conditions are described as the result of choices typical of the Roma *culture*.

«Often, the central theme is the condition of poverty in which they live because, apart from those who have settled in the surveyed camps– where they are now registered, where there are housing containers and hygienic conditions which I would not assess as optimal, but quite adequate anyway – there is a category of people of Roma ethnicity who continue to live in improvised nomad camps, if not even outdoors, in situations of extreme deprivation. The housing condition – living in a shack, living of charity, in a non-surveyed camp, or sometimes even under a Tiber's bridge – is certainly a circumstance that contributes to determining the

¹⁵⁴ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

¹⁵⁵ Interview with A., honorary judge at the JC of Rome, 4 December 2012.

¹⁵⁶ Interview with C., judge at the JC of Rome, 24 January 2013.

removal of the minor from their parents». ¹⁵⁷ The interviewed judge makes a distinction between the «equipped villages», which he calls *surveyed camps* and the informal settlements, which he describes with the expression *improvised nomad camps*, as if the cases of removal concerned more the “informal camps” than the formal ones. In reality the analysis of the files showed the opposite: the cases of reported minors concern mostly minors living in «equipped villages». The same judge is then asked whether the substandard housing where some Roma families live could have led to the declaration of adoptability; the judge answers: «I’m afraid so, I’m afraid so. I say I’m afraid, because maybe the parents were adequate from the affective point of view» ¹⁵⁸. But what is the interest of the minor? That of living even in a shack with his/her own family – if adequate from the affective point of view –, or of living in a house, with an adoptive family? «I would say in a house with another family. Well, how can we say that it is in the minor’s interest to live in the wild, in poor hygienic conditions with risks also for their health? If they live in crumbling shacks in the middle of the street, this also affects their health.» ¹⁵⁹

Indeed, the inadequacy of the “policy of the camps” is significant also in terms of health: the evictions and the concentration of Roma in substandard housing, in unhealthy environments such as «equipped villages» and “tolerated camps”, lead to a violation of the right to health, cause a situation of intense emotional suffering and expose them to risks such as epidemics, skin diseases, respiratory diseases and, in some cases, jeopardise the survival of minors born with diseases or serious disabilities ¹⁶⁰. The interviewed judge recognises the role of housing conditions on the minors’ health, but does not link this form of hardship to local policies. However, at the end of the interview and after some reasoning, he states that «Often poverty becomes the critical element [...]. If we implemented some social and political actions, including articulated projects that take into consideration this culture, many cases could be solved outside the court» ¹⁶¹. The judge maintains that many stories could not end in adoptions and that many children could remain in their family if social policies were more effective. What is also striking is that, according to the judge, the best interests of the child are better guaranteed when the minors can benefit from the material well-being provided by a stranger family, instead than when they can enjoy the affection of the family of origin, albeit destitute. Another interviewed judge also shares the same opinion: «Very often Roma kids were happy to be adopted because they had their own room, the TV, the play station, all those things that they could only dream of in the camp» ¹⁶². The words of another judge, according to whom Roma minors would be willing to leave their family of origin to gain material well-being, are in line with this statement: «We try to give them a family. It isn’t fair that they don’t have a family too. Or that anyway, after 1-2 years in a family-home they have to return to the nomad camp. Children don’t want to go back there. They don’t want to go back there. Because they have seen how life can be different: having a bathroom, having hot water...these are things we take for granted, but that they don’t have.» ¹⁶³

¹⁵⁷ Interview with D., judge at the JC of Rome, 17 January 2013.

¹⁵⁸ Interview with D., judge at the JC of Rome, 17 January 2013.

¹⁵⁹ Interview with D., judge at the JC of Rome, 17 January 2013.

¹⁶⁰ For an in-depth analysis, see the chapter on the right to health and security in Associazione 21 Luglio, *Rom(a) Underground. White paper on the condition of Roma children in Rome*, February 2013.

¹⁶¹ Interview with D., judge at the JC of Rome, 17 January 2013.

¹⁶² Interview with I., judge at the JC of Rome, 5 December 2012.

¹⁶³ Interview with R., judge at the JC of Rome, December 2012.

With regard to the social policies for the Roma, a social mediator comments: «Concerning children and adolescents, the reality of Roma in Rome is dramatic, two generations are destroyed at the same time. Almost all Roma marry at a very early age, have children when they are very young and so, very often, they become parents when they are still underage. They have children who live segregated and without support for a dignified life. So at the same time, two generations grow up without opportunities of real inclusion. An example: the camp in Castel Romano, where they are really segregated, where they cannot be autonomous, they don't have public transport; that is a camp where two generations of minors grow up with a whole series of deprivations and thus even those who want to integrate in the society cannot do it. It is the public policies that are ruining these generations. The fact that there is a place where 1200 people live with not even a bus stop is very telling.»¹⁶⁴

To conclude, also the President of the Court contests the policy of the "camps": «I contest what the Municipality of Rome does. If we consider the sum that the Municipality of Rome pays for Roma minors placed in shelters, who are hundreds and hundreds, some with their mums. [For example] the case of S., 5 children placed there for 7 years, I calculated only for that case they spent more or less 950.000 euros!¹⁶⁵ Then, for another case 500.000, for another 300.000; if, instead of spending hundreds of thousands of euros for these Roma, little by little you search, let's say in a camp first, buildings – which obviously don't collapse after two years – brick buildings with foundations and walls only, rather than wasting money in such a way...a lot of money is spent for nothing! With all the money taken away [from family-homes] you can solve their problems for good. If I was the mayor of Rome, immediately, year after year, I would remove the camps. They are certainly an element that creates prejudice, but not only that (...). We need social policy to deal with this; let's arrange the empty military barracks and if they are far from the centre, let's put a bus that can take Roma to the cities. If they were millions of euros, some millions of euros were also spent for Roma children placed in shelters.»¹⁶⁶

4. WE AND THEM. LATENT PREJUDICES

The recurrence of the pronoun *them*, – opposed to actions and behaviours expressed in the first person plural (the *we* of the majority society) –, describes the widespread temptation to encapsulate the vastness and heterogeneity of Roma communities into a static, uniform limbo, in which individual personalities are absent. Numerous prejudices go together with this dichotomous and rock-like vision of the reality.

«[Once] I had closed the case, since I thought that for *their* culture, *their* mentality, it was more than fine: they sent them to school, they were clean, they were collaborative with the social services, the vaccinations were all right. So for me it was all right. Then I don't want to make them forcibly fit into our pre-packaged family model, I wouldn't dream of it. Two years ago the file was reopened... [because] as soon as the balance in the couple broke, everything

¹⁶⁴ Interview with a social mediator, Rome 17 January 2013.

¹⁶⁵ Knowing the case and doing a calculation, the money spent for keeping the children in shelters was actually 894.000 euros for 5 children from the same family. If we add the costs for the mother and the other brothers who had been placed in the family home only for limited periods of time, the sum mentioned by the interviewee can probably be reached.

¹⁶⁶ Interview with Melita Cavallo, President of the JC, 18 March 2013.

went back to the old and usual Roma mentality of doing things». When the social worker is asked what the *old and usual Roma mentality of doing things* consists in, the answer recalls the most visible and common perceptions on the Roma community: «In not sending [children] to school, in making a living in a completely illegal way, [...] since then they realise that nothing can be done differently.»¹⁶⁷

« With them it doesn't work like this, you don't send them to school, because they have to stay at the camp or do something else.»¹⁶⁸

«They manage very well with the Caritas. They are very smart on this. They are quite autonomous in the search of resources»¹⁶⁹: this is the clarification that a social worker proposes when we point out that inadequate clothing may have to do with poverty and may not necessarily denote neglect. But the interviewee replies that inadequate clothing cannot indicate economic disadvantage and poverty, because, as far as their relations with the third sector are concerned, *they are smart*.

«*They* have this custom that, even if the parents go to jail, there is a family member, a relative or even a neighbour who takes care of these children.»¹⁷⁰

«The girls were completely abandoned, the parents were not there, they were in jail and they [the children] were really dirty, the *typical*...with the hair all dirty and also in the container, a pile of laundry.»¹⁷¹

«They are seemingly very attached to their children. Seemingly. I don't know for what purpose. Maybe because children are objects, or means to get an income. Removing a child from a Roma family is particularly difficult»¹⁷². The judge deems the removal of a minor from a Roma family *particularly difficult*, because of a bond which, although *seemingly* affective, actually hides an economic interest. Such difficulty, which – according to some interviewed judges – disguises an interest of economic nature, would explain the parents' persistence in claiming their own children: «*They* even stand here downstairs [at the JC building], they nag you to death [...] in *their way*, so that they position themselves here below [the JC building], they wait for the judge, they want to talk...»¹⁷³

In this regard, an honorary judge reports: «But Roma always want their children back because their children are an investment. When a Roma has a child it is an investment. It isn't a European parent who says: "I raise him/her; I take care of him/her". Roma have a different educational approach. I have a child. My child is a resource. Because they send them to beg. It's obvious.»¹⁷⁴

Also the relationship established by the *Roma mother* with her own children appears inadequate: «The mother has a kind of relationship, I don't want to say animal-like, but instinctive. But it isn't an affective, caring relationship. These are mums who don't know

¹⁶⁷ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁶⁸ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁶⁹ Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁷⁰ Interview with B., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁷¹ Interview with B., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁷² Interview with R., judge at the JC of Rome, 3 December 2012.

¹⁷³ Interview with R., judge at the JC of Rome, 3 December 2012.

¹⁷⁴ Interview with A., honorary judge at the JC of Rome, 4 December 2012.

anything, these creatures live like this, as small animals in the countryside, in the jungle, in the savannah, I don't know.»¹⁷⁵

«Parents don't work on bonding. In the Roma culture there isn't that natural relational mechanism between mother and child, or it is very repressed anyway. This is both because there are many children, and because it is functional. Therefore the Roma mother is not very emotional [...]. The Rudari,¹⁷⁶ for instance, have a much more "European" type of bond [with their children], in which there is consideration and attention [for the children].»¹⁷⁷

Again, commenting on the relationship between parents and children, a public prosecutor says: «On the one side there is this affection a bit...above all on the side of the children who have this affection...I call it a visceral affection». *Vis a vis* the affection that animates Roma relationships within the family he reacts in amazement. «They are abused, they are sent to steal, if they don't achieve a certain result in their illegal actions they are beaten up, also tortured sometimes, in some investigations that I conducted some time ago, cigarettes were put out on their arms. And so, despite these acts of violence perpetrated by the male adults in general, the supposed fathers, very often acquired, bought, there is a whole traffic...It isn't a novelty, maybe you don't know these things...We all know that.»¹⁷⁸ In this regard another judge also states: «Often it happens that they exchange children within the clan.»¹⁷⁹

«It is difficult to demonstrate, but to *them* the child is work force, he/she will become work force, actually under 14 years of age he/she isn't even criminally liable, so they send him/her to steal, to break into the flats, to pickpocket tourists when they are 10 years old, because they are not even criminally liable, they can't be arrested. It's a resource. Like the farmers at the beginning of the century and until after world war II, who had many children in order to have manpower for the work in the fields... it's an old economic law, reproduced by the nomads, unfortunately not in the agriculture field but in the field of illegal activities»¹⁸⁰. Again with regard to the instrumental use of children and of motherhood, the public prosecutor continues: «*They* begin their criminal carrier around 10 years of age, also 8 or 9. This career is very long [...]. Then they [Roma women] churn out a child per year [...], it's a way to escape jail, the prison»¹⁸¹. We ask why would this alleged tendency to commit illegal acts exist, and the interviewee's answer recalls again, and in line with the answers of other interviewees, the concept of culture: «Because that is their culture. Culture...I would rather call it subculture. *They* are used to receiving assistance by the state, by the local administrations, by the public authorities in general. They live off assistance, meaning that they are there living off assistance that sometimes doesn't suffice. If they want something more they take it like this, they have a rooted mentality.»¹⁸²

¹⁷⁵ Interview with P., judge at the JC of Rome, 18 March 2013.

¹⁷⁶ The social worker refers to a community of Rudari coming from Serbia and speaking Romanian, who settled in Rome some decades ago.

¹⁷⁷ Interview with a social worker of the Municipality of Rome, December 2012.

¹⁷⁸ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

¹⁷⁹ Interview with P. judge at the JC of Rome, 18 March 2013.

¹⁸⁰ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

¹⁸¹ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

¹⁸² Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

«*They* – allow me to tell you, I have some reminiscences from my studies and I remember that Roma have some *maternage* abilities, caring abilities that are strongly affected by a culture, a background...»¹⁸³

The following statement, belonging to a judge with a long-lasting experience at the JC, is also in line with the same generalising perspective: «In *their* mentality children are something very important: usually Roma reject the child only when he/she's ill, seriously ill, otherwise *they* are very attached to their children. The fact that sometimes carelessness and neglect are observed, depends a lot from the objective conditions in which they live, but they love their children, they don't have an expelling attitude towards children, on the contrary...»¹⁸⁴

Both the visions reported here – of caring and abandoning Roma – are based upon the concept that parenting capacity and affection are cultural aspects and therefore they are equally generalising.

On more than one occasion the Roma family ties and culture are described with adjectives recalling a primitive, animal-like, savage world, connected to the already mentioned image of a pre-modern, if not primitive, Roma.

«[The Roma culture is] not having rules, living in non-rigid schemes, not respecting rules as something that is not in their DNA, having this free spirit.»¹⁸⁵

«The Roma child is a child who everyone takes care of and nobody takes care of in the camp. It's a bit like the child who, a long time ago, used to live in the courtyard in small villages [...]. Everybody protected all the children and nobody took care of any of them»¹⁸⁶. Later, during the same interview the judge states: «[The Roma child] is a child who has an inborn need of freedom. If you place him/her in a family-home, of course he/she wants to go in a family and wants to be adopted just to escape the family-home! [...] The Roma mother is a very protective mother. Initially. Although, then this period ends and the paternal figure, which until a certain age doesn't exist, comes into the picture. This happens when the child starts going to school. Therefore the Roma is very different from us. [In the past], it used to be like this for us as well». And to conclude: «So, gypsies under many aspects are an historical residual, an erratum»¹⁸⁷.

«The Roma child is a "pain in the neck". There can't be a pedagogical approach. It seems to me like Italy in the '50. [Children] grow up; then when they will be men I'll talk with them, but now they only need to be fed and raised, without a strategy of pedagogical relationship [...] There is no attachment, there is nothing.»¹⁸⁸

Often diversity is dehumanized, it takes features that are more beastly than human:

¹⁸³ Interview with an intern psychologist at the JC of Rome, 18 March 2013.

¹⁸⁴ Interview with C., judge at the JC of Rome, 24 January 2013.

¹⁸⁵ Interview with D., judge at the JC of Rome, 17 January 2013.

¹⁸⁶ Interview with I., judge at the JC of Rome, 5 December 2012.

¹⁸⁷ Interview with I., judge at the JC of Rome, 5 December 2012.

¹⁸⁸ Interview with a social worker at the Municipality of Rome, December 2012.

«Roma children placed in foster care come from 2-3 years in a family-home, so they have already become *gagé*¹⁸⁹...and so they don't have big problems of inclusion [in the foster families]. I give you the most classical example: they can sit at the table.»¹⁹⁰

«This child was 5 years old when he was taken in care, and he wasn't able to eat at the table, he did his bodily business wherever he happened to be, as a small animal... then I saw him later and I found him normal.»¹⁹¹

The experience of the removal from the context of origin would educate Roma minors to civilisation, rendering them *normal, gagé*, educated persons.

The image of the savage Roma is often intertwined with an exotic and folkloristic vision of Roma people.

«Often their culture doesn't coincide with ours and I don't say that it is better or worse, rather I think that life as Roma is funnier than that of an average Italian [...] In general...in the sense, the dancing, this fact that you don't have to plan, that if you work it's ok, otherwise...it seems that they live with much fewer problems, it being understood that then they usually live much worse than the Italians, who worry much more. If we look at history, two centuries ago they weren't doing so bad, now they are doing very bad because the society progresses at a pace that they don't understand and that they probably don't accept either.»¹⁹²

«They are Italians, they were born here. They are Italians every inch. Though Italians with a very *gypsy* mentality. *Gypsy* in a positive way. In the sense that they don't like rules. They are extremely clever and creative children, but accustomed to survival. They are the pillars of their families, along with the elderly. [The Roma community] lives on these two pillars: the children and the elderly. And how do they live? In several ways. There is begging, thefts, small thefts. They hardly do armed robberies. They live off small tricks.»¹⁹³ The same judge reports: «The [adoptive] parents said that the child has this dimension – I don't want to stigmatise Roma – typically Roma. Number one: she doesn't like rules. Number two: she's very firm in obtaining what she wants. Number three: on the colour. Ok, it's typical of girls, but these are girls who say: "No, mum, I want to wear the very big earrings", you know those that Roma wear... I mean, a 10 year old girl [who was placed for adoption at 10 years of age] obviously had the *imprinting* of a Roma family.»¹⁹⁴

Just like in the dominant narrative¹⁹⁵, Roma display a character of pre-modernity connected to an alleged reluctance to perform paid work, also in the interviews conducted for this research:

¹⁸⁹ In other words, according to the interviewee they have become like the *gagé*, the non-Roma, the members of the majority society.

¹⁹⁰ Interview with a social worker at the Municipality of Rome, December 2012.

¹⁹¹ Interview with R., judge at the JC of Rome, 3 December 2012.

¹⁹² Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

¹⁹³ Interview with A., honorary judge at the JC of Rome, 4 December 2012.

¹⁹⁴ Interview with A., honorary judge at the JC of Rome, 4 December 2012.

¹⁹⁵ On the stereotype of the pre-modern Roma, see: Tosi Cambini S., communication to the conference "*Donne rom: discriminazioni multiple, azioni positive e politiche in Europa*", organised by the Anna Ruggiu Onlus Foundation, Autonomous region of Sardinia – Department of Health. Centre for the study of industrial relations of the University of Cagliari, 26 October 2012.

«Look, I think that many of them don't want to change at all, don't want to get out of this situation, even talking to them about a job, they don't even know what it is. They are not interested at all. (...) Many really don't [they do not want to work]. You really see some of them don't want to work. Logically, going to work means getting up at a certain time, doing specific things...but they live a bit like this, they manage day by day, they prefer it this way or they accepted it. On the contrary, others do understand that there is another way. But others really don't, you see that their life consists in vagabonding, roaming, going to the bar. They don't have money but they go to the bar. These are habits and customs that they have and this is it».¹⁹⁶ In the words of the social worker Roma are culturally unfit to work. Later the interviewee says: «We tried to place some Roma kids and it doesn't work. They don't handle it. They really don't handle the continuity: getting up in the morning, attending classes...»¹⁹⁷. During the interview it came up that the project of work inclusion provided for a period of training and an internship, and that the training was not paid. When we asked whether the lack of refund of the expenses could represent an obstacle to participation – given that Roma involved were obliged to use a car on a daily basis to go to work, because they come from the settlement of Castel Romano, located on an extra-urban road, not connected to the city of Rome by public transport – the social worker pointed out that «anyway, maybe they have in their blood this thing of living like this, day by day, of not making plans. I repeat, exceptions exist. But when you get up in the morning, you look around and the context is like that, it's difficult to get out (...) Because then also the family transmits this modality. It's a bit everything... and, anyway, change is difficult, very difficult.»¹⁹⁸

Even the last generations' lack of schooling would correspond to pre-modern cultural dynamics, although the material difficulties caused by the distance of the "camps" from the school and the malfunctioning of the school bus service are recognised. The social worker, reports amused that, in order not to go to school «Some told us: "No, there are bad people on the bus", referring to other Roma. They use the most incredible excuses [like]: "No, but they are dirty"». The social worker makes these observations with an ironic and amazed tone and offers, also here, the image of a uniform Roma world, without individualities and conflicts, where every Roma is equally *dirty* and *bad*, to the point that no minor can afford to take distance from his/her own peers, can dare making an internal critique and can feel uncomfortable in sharing the bus with other children defined as *dirty* and *bad people*. When the fact that minors might be different from each other and have a different degree of education and hygiene is underlined, after a reflection the interviewee replies that this is actually true, but that in any case «hearing it from them it's weird.» The social worker then tells the case of a man with three daughters for whom a project for parental support and housing inclusion had been planned: «[We] even succeeded in renting a flat to allow the girls to return. But then they cannot [handle it]. He rented the flat, he worked, but in any case, when he took the children he brought them to the camp, because they don't have the habit of going to live [in a house]. It's true that he was alone, the wife was in jail, he had 4 daughters and it became difficult to handle them, so at the camp he had the grandparents who could help them out in this thing. But at the end they cannot handle it». The failure of the social service's inclusion project is not ascribed to the social services, but to the Roma background of the beneficiary. The social worker's message is that Roma cannot live in houses, they always go back to the "camp" for cultural reasons – and not

¹⁹⁶ Interview with B., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁹⁷ Interview with B., social worker in a district of the Municipality of Rome, 9 January 2013.

¹⁹⁸ Interview with B., social worker in a district of the Municipality of Rome, 9 January 2013.

for material needs or for reasons of an affective nature –, as if there was a «call» – as she points out later in the interview – because «their life is in the camp». The same social worker mentions the element that probably determined the return, though without making any association between this and the absence of the maternal figure, as well as the fact that the father worked and that he needed the help and the support of the family of origin to raise the girls. The need of sociability among people sharing the same language and social conditions, is not acknowledged either.

A judge's testimony is similar: «The ethnic bond, more than the family one, is very strong, more than we can imagine, at least for what I could verify. I had several cases in which, even if they were taken young [Roma minors], even in well-ended adoptions, at a certain age, in the advanced adolescence, they returned to the camp several times. It's like if there was a call.»¹⁹⁹

Many prejudices expressed during the interviews regard the association of Roma to crime and illegality. A social worker occupying an important position in the field of child protection, during his interview, elaborates an analysis of the Roma presence in Italy, and every interpretation of the phenomenon is then developed around the idea of the Roma delinquent: «The big problem concerning the Slavic gypsies originates from here: at the end of the eighties and up until the nineties, they came to Italy for a period, they lived of harvesting, their old habit, as the gypsy women used to do in ancient times, collecting the products of the fields and the earth belonging to everyone... They collected what was in our pocket, in our flats, and then with this money they went back to Yugoslavia, built a house and started a business. But then the war burst out, breaking up the Yugoslav Federation and they stayed here»²⁰⁰. Even the differences among different Roma groups are explained by referring to different strategies and ways of running illegal activities: « [With time and experience] we learnt the differences between the Christian [Roma] and the Muslims...Based on the crime, I understood their religion. If they pickpocketed, they were Muslims, if they did the flats they were Christians [...]. The reason was that the Christian group was more developed, culturally more developed and also richer.»²⁰¹

5. PERCEPTION AND AWARENESS OF PREJUDICES

It appears there is complete unawareness of the identified prejudices:

«No, absolutely, there is no prejudice against the Roma. Sometimes I observed an inverse prejudice, I mean social workers who do everything to help them. No, I would genuinely say no. [Maybe there is] an inverse prejudice. Often I read in the reports: the family unit lives in a shack but provided with services etc. and considering their culture, their traditions, the children do well.»²⁰²

¹⁹⁹ Interview with I., judge at the JC of Rome, 5 December 2012.

²⁰⁰ Interview with F., social worker, 11 December 2012.

²⁰¹ *Ibidem*.

²⁰² Interview with C., judge at the JC of Rome, 24 January 2013.

«I would say no, mainly I would say not. Because on the contrary, there's always been, nearly always, the commitment of social services to support the mothers [...]. Then the mere fact that the declarations of adoptability are so few compared to the total number, I think is significant.»²⁰³

«I know what I do. I try to study and to understand them. I don't base what I do on common places.»²⁰⁴

On the other hand, other judges report that there are forms of prejudice by non-Roma families who do not want to adopt Roma children: «There are many prejudices [...] If you have to give the gypsy to an Italian there are many prejudices»²⁰⁵. A social worker, also engaged in social mediation, is of the same opinion: «But then what do you do? Do you place them in foster care? And what Italian family would want to relate to a Roma family? There aren't! Never! There is a prejudice, this is clear.»²⁰⁶

With regard to prejudice in the JC and among the judges: «[With regard to Roma] from a positive point of view, there is respect for a different culture, from another point of view I notice there is a greater frenzy, I mean: if he/she's Roma, parents are inadequate, regardless. But I always say: we can't remove all the children from Roma just like we can't remove all the children from the politicians, even though we know that they are both people who are detrimental to the society. What do you do? Do you remove all the children from the camorristas in Naples?»²⁰⁷

On the one hand, the judge denounces the prejudice of most adoptive couples and of his colleagues, who would remove children from Roma parents because they are considered inadequate as a rule and because they are Roma; on the other, in the following sentences, with his statements he aligns himself to the approach of the colleagues he had just denounced. He acknowledges the frenzy against Roma, but at the same time he supports it stating that Roma, like the Neapolitan camorristas and the politicians, are *detrimental to the society*. He carries on saying that prejudice is not only present in civil proceedings but also in criminal ones, adding that he personally observed some prejudice by his colleagues and also by public prosecutors²⁰⁸: «From my point of view, public prosecutors in this court have a big prejudice [...]. The public prosecutor always asks for terrible things [such as] placing a child who was found begging with the mother in a family-home.»²⁰⁹

On the topic of prejudices and awareness of prejudices, it is interesting to report the story told by a public prosecutor who wanted to underline how easy it is to rely on prejudices, how strong is the temptation to interpret reality by simplifying it and connecting it to definite and stereotyped images: «We have to talk to the Roma...So, the last time I went to Castel

²⁰³ Interview with D., judge at the JC of Rome, 17 January 2013.

²⁰⁴ Interview with I., judge at the JC of Rome, 5 December 2012.

²⁰⁵ Interview with I., judge at the JC of Rome, 5 December 2012.

²⁰⁶ Interview with F., social worker, 11 December 2012. The issue of families refusing to take Roma minors to be placed in foster care or for adoption, is rather unexplored and should be further researched.

²⁰⁷ Interview with I., judge at the JC of Rome, 5 December 2012.

²⁰⁸ The topic of the judges' prejudices towards Roma minors in the field of the criminal justice is extremely interesting and has not been explored so far.

²⁰⁹ Interview with I., judge at the JC of Rome, 5 December 2012.

Romano outside the containers there were many cars which looked like BMWs, Mini, Audi. I tried to ask someone: "Excuse me, why do you stay here in the container when you have this car?" and they answer: "Because I don't pay the container, and I can re-sell the car". And many of them trade cars between Italy and the former Yugoslavia. Whereas paying a rent is a waste of money to them and they cannot afford a mortgage because, you understand, what do they offer as a guarantee? Then if you investigate, many of those cars which seemed expensive to me, if you go on AutoScout24 you find them for 4.000 euros. If a Mini – which I thought was very expensive – is more than 7-8 years, old it's much devalued and so it costs less. So, even what seems evident to you, what seems a situation with something wrong, has its own logic: you have to communicate.»²¹⁰

The testimony of another interviewed public prosecutor is ambivalent: «[We need to] ask ourselves to what extent social, economic, cultural difficulties and the difficulties in social inclusion affect situations of apparent parental inadequacy. Since also at school, they don't go much to school, but why? Not only because they are guided towards crime and because there is not much willingness to take care of them – maybe there is a mother in jail, a father who begs, 10 of them staying with the grandparents – but there is the fact that also at school discrimination is inevitable. I don't believe that we, as mothers, would invite gladly these children to our homes; I say it because we always have a situation of prejudice, fear, fright and they feel this, since maybe they would like to be integrated». On the one hand the interviewee recognises the need to think about the influence of factors outside the communities – such as discriminations, exclusion and so on; however, on the other she acknowledges her own prejudice towards Roma people, revealed by the expression *not only because they are guided towards crime*, but also by the stereotyped image of the Roma family in which a parent is in jail, the other is involved in begging and the numerous children are raised by the grandparents.

As far as injustices that might occur at the JC are concerned, a social worker states : «[For Roma] it can be easier [to be removed], since prejudices may arise also among social workers...[I observed a prejudiced attitude] not even much in terms of words and use of words, but rather in relation to a mental attitude: "We must remove them". As if it was a personal matter.»²¹¹

A social worker admits: «The difficulty [I encounter with Roma is that] of holding back my prejudices and of not going straight ahead but say: "Ok, it's a context like the others, let's evaluate it for what it is".»²¹²

Beside the considerations on the prejudices, there are stories affected by them and stories of reciprocal mistrust. With respect to the latter, it is appropriate to emphasise that the resistance and the prejudiced mind of some social workers' towards Roma is often matched up by diffidence and rejection on the part of Roma towards social services.

A public prosecutor reports: «Many social workers don't even want to go to the camps. [...] Why did I visit the camps? Because in the first years I used to send the request for a report to the social services and I never got a reply. Then, getting to know the street operators [...] they

²¹⁰ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

²¹¹ Interview with F., social worker, 11 December 2012.

²¹² Interview with C., social worker in a district of the Municipality of Rome, 9 January 2013.

told me: "Look, social workers avoid going there, if they can."»²¹³ According to the public prosecutor, checks and investigations in cases of minors residing in settlements are not conducted also because social workers are afraid, or don't want to go to the "camps" to carry out socio-environmental assessments. The lack of accurate information and in-depth evaluations on the Roma family involved in the individual cases, contributes to creating the idea of myriads of Roma children indiscriminately neglected: «In theory they are all in state of neglect, if the social worker doesn't examine things in depth, if the court doesn't raise doubts...but the court doesn't go to the camps.»²¹⁴

«These [Roma] people don't accept support; they are opposing, persecuting and threatening. Therefore they [the social services] are really frightened to go [to the camp]; would you go there after you removed the children from them?! »²¹⁵

A social worker's testimony follows: «They even threw stones at us. It's really a matter of principle [...] it's really – rightfully, to a certain extent – a sense of membership. Although I believe that this belongs to the full spectrum of a culture. In the sense that, I found myself in an Italian context, where some neighbours during a slightly forced removal, intervened to defend this thing [against the removal], whilst we were giving them to the aunt...There are still many fantasies on family-homes as lagers, but it is not the case anymore. I believe that the prejudice towards the social worker taking children away is still in place, is still rooted. We make mistakes, because we make them...rather than mistakes it's the superficial knowledge of the situation, so that the child is placed in a protected context, then you examine the situation more in-depth and, in case, the minor returns home with the parents. They are situations so delicate that each case is...is different.»²¹⁶

Also a hospital social worker emphasises the mistrust of Roma people towards the institutions, interpreting the high incidence of adoptions of Roma minors as indicative of the lack of instruments and of the mistrust towards the JC: «Sometimes they also have limited instruments. Once the report is filed, I don't know, they are afraid to go and demonstrate that the allegation, so to say, isn't grounded; or anyway [if] they can explain it and can demonstrate to be able to improve, if a project with this family is feasible, maybe they are not very interested in a project to improve their parenting capacity. And then, allow me the term, they don't defend themselves much, they don't have the instruments, maybe because they are afraid that then, once the court enters in their family, the other children could also be affected and they stay away from it.»²¹⁷

According to a social mediator, the large presence of Roma minors in the national adoptions system is determined mainly by the social workers' prejudices: «A prejudice that, unfortunately, stems from ignorance. Beyond the JC, the court's eyes are the social services. When the court assigns the responsibility of [doing the inquiry] to the social services, very often they carry out this inquiry with eyes and parameters [...] that are those of our own culture [...]. Then, they conduct these inspections always accompanied by police authorities, they nearly never go alone, and this already creates some problems, it creates mistrust on the part of the

²¹³ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

²¹⁴ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

²¹⁵ Interview with P., judge at the JC of Rome, 18 March 2013.

²¹⁶ Interview with the manager of social services in a district of Rome, 9 January 2013.

²¹⁷ Interview with a hospital social worker, 14 January 2013.

Roma.»²¹⁸ According to the interviewee it may happen that due to fear, the social worker avoids going to the "camps" and, because of this, parental couples are often declared untraceable: «This is already an element that affects the negative reports presented to the juvenile court, it exerts great influence»²¹⁹. Concerning this point, the interviewee tells the emblematic episode of a mother stopped with her two year old child at the Termini station by the train police. Taken to the station, she is obliged to sign a paper, without understanding what this entails, and she is released. «After a year the police came with the order to take this two-year-old child and place her in a safe place. They called me desperately as they didn't understand what had happened. I went to talk with them and I retraced the entire story.»²²⁰ The train police, deeming that the child was malnourished and in poor hygienic conditions, had reported the case to the JC. Despite the order of the court to conduct a home visit, the social worker did not go to the "camp": «She didn't do it [the home visit] because that social worker was afraid to go to the camp. Thus this child is removed [from the mother] but not the other [three-and-half-year-old child] [...]. My role was to reassure the social worker, who then went to do the home visit, by saying that it was a calm, tranquil, collaborative family, that I would have walked her there if she wanted, so that we agreed on an appointment at the camp and she came with the local police anyway, she didn't trust the situation.»²²¹ In the meantime though, the child remained in the "family-home" for a year. The parents visited her twice a week: «The parents had the permission to meet her, but it was a heart-breaking moment, both for the parents and for the child: the parents went to visit her, the child didn't understand why these parents arrived, stayed with her and then went away, because she was a two-year-old girl and it was difficult to explain it to her. »²²²

In this respect a prosecutor reports: «The latest cases I came across and that pushed me to return to Castel Romano [...]. There was a social worker who was known for not being very diligent. I've got two family units in Castel Romano, which could have been affected by that social worker's prejudice, though I don't have proofs, where there are some uncles...Yesterday one of them came to me and brought the documents in Yugoslav, documents translated by the consulate, the VAT registration number. He pays taxes and is willing to take care of his sister's children, a sister who is recovering from her drug addiction, with a husband in jail for drug trafficking [...]. Initially it seemed that there were only [the] mother and [the] father, but there is an uncle within the fourth degree who's able to take care of them. But if I didn't go to the camp upon the request of a street operator, would somebody have found out that there was an uncle? Was the Roma able to come here and explain himself? Or would he have to find a lawyer to deal with the situation. Then they tell me: "Well, but I knew that they were there, I wanted to visit them and they told me to wait for the paper from the Court...". I repeat, I don't have the proofs on anything, but how can you receive the paper from the Court if you are not there? And they don't understand, they respect what they are told, they wait and then it's too late. In order to avoid misunderstandings I went personally, also to understand what the real situation could be and, look, I found a warm container, the family... Many files were closed with the supervision of the social service or due to the parents' un-traceability. It is for this reason that I started

²¹⁸ Interview with a social mediator, 17 January 2013.

²¹⁹ Interview with a social mediator, 17 January 2013.

²²⁰ Interview with a social mediator, 17 January 2013.

²²¹ Interview with a social mediator, 17 January 2013.

²²² Interview with a social mediator, 17 January 2013.

going to the camps, because it's useless to rely on papers where it's reported that they are unavailable while they are actually there.»²²³

Beside these stories, in which the social services' role has been null, if not negative, there are also several positive stories, in which the social services distinguish themselves for their work. It is important to emphasise that we acknowledge the heterogeneity of the social workers' work, the quality of which varies according to numerous variables – among which also the overall workload and the available resources. However, although the highlighted critical aspects refer only to one part of the social services, not quantified by our research, they are a warning signal: non-fulfilments, negligence, oversights caused by ignorance or fears, risk affecting the judicial process and the life of entire families. According to the social mediator: «There are some [social workers] who do an excellent job and try but, in my opinion [...], what is lacking is the cultural knowledge: for instance, knowing that within a camp they are not all the same, that there are different ethnicities, that there are differences.»²²⁴

«There is a problem of knowledge [on the part of the social services] which is objective. In terms of sociological and anthropological culture and of social services' culture, such a superficial use of the concept of culture and of the concept of "nomad culture" bring us back 25 years. Nevertheless, we talk of something which is routine and that denotes the fact that there is no training, there are no refresher courses, rarely there is an effective and concrete debate on these concepts, which are working tools for those who do social work. If one has in mind the "nomad culture", the "nomad culture" becomes a working tool which ends up in the verdicts.»²²⁵

Obviously, prejudice does not concern only social workers. The most striking case of prejudice reported by the interviewed mediator, regards a Roma girl stopped by the train police at the Termini station in Rome for an identity check. The 17-year-old girl was going to work and, despite her age, she was detained until her mother's arrival. The mother was then reported for child abandonment, given that the underage daughter was unaccompanied.

The interviewee reports that the judges of the court are not free from forms of conscious or unconscious, hidden or open prejudice either: «There is [prejudice] also on the part of the court. [The judges reading the social services' reports] don't stop and think. I remember once a public prosecutor, she stopped to reflect and she told me "But then, do we act with prejudice?" and I said "Yes, certainly prejudice affects you too" and she replied "Well, actually we think more than once before removing a child from an Italian couple, from an Italian family, whilst if they are Roma we do it much more easily". Thus she confessed the prejudice.»²²⁶ Indeed, during the interviews at the JC, the interviewees – except for a judge and a public prosecutor – demonstrated an extremely sketchy and stereotyped knowledge of Roma communities.

²²³ The statement from the interview with the public prosecutor is reported again in the text because it is emblematic.

²²⁴ Interview with a social mediator, Rome, 17 January 2013.

²²⁵ Interview with a privileged observer, anthropologist, Rome, 5 December 2012.

²²⁶ Interview with a social mediator, Rome, 17 January 2013.

6. WHY AND WHEN TO INTERVENE

During the interviews, particular attention was paid to the concept of threshold, defined in Saletti Salza's analysis as the boundary between a situation of protection and a situation of child neglect. What are the characteristics that make first the declaration of neglect and then the declaration adoptability undelayable?

A public prosecutor finds that the material conditions in the "nomad camps" are the premise of the «very evident» material neglect suffered by Roma minors.²²⁷ «They live in nomad camps, in poverty, in the dirt, often children find themselves in dangerous situations». If poverty, dirt and uncertainty make "camps" inadequate for the children, then it is worth wondering who is responsible for their inadequate housing conditions. Housing inadequacy is interpreted by the public prosecutor through the lens of prejudice: the reason for the material disadvantage would be neither poverty nor the scarce effectiveness of social policies: «There are these nomads driving around with Mercedes and then they are considered poor; if one has a Mercedes, even if it's quite old...now what? [...] The nomads' incomes are not declared, so formally they have no property. Have you ever seen nomads with Mercedes? I have been many times to the nomad camps.»²²⁸ Further clarification is asked about these statements, which seem to generalise and to be irrelevant, and the public prosecutor confirms his view according to which Roma are rich, but they let their children live in poverty anyway. Material inadequacy becomes the consequence of a voluntary, deliberate, intentional act, which is consequently not justifiable: «They use money to drink and get drunk. The adult male nomads spend their day getting drunk, they send women and children to steal, in the best case to beg or sell flowers, and they stay there, guzzling in the camp»²²⁹. In this view, the material neglect – typical of the housing condition – becomes then a clear demonstration of a situation of moral neglect: «The moral neglect is also very evident, because Roma children are sent to steal in the flats, to pickpocket tourists with cartons, in the best case to beg in their mothers' arms, or their supposed mothers, because they are not necessarily the real mothers. In theory they all are in a state of neglect, all of them! This is the technical problem»²³⁰. The public prosecutor's words reveal an absolute and incomplete view of Roma parents, who are described as exploiters of their own *presumed* children, and a monolithic image of Roma minors, who are all deemed neglected. All Roma families are inadequate indiscriminately: well-off and alcoholic men would force their partners and their – *presumed* – children to beg and steal. The conceptual support to the statements of the public prosecutor consists in a series of commonplaces, describing Roma as drunkards, thieves, child traffickers. Do the traits of the Roma culture objectively represent a threat for the minor then? According to the public prosecutor: «Yes. Absolutely yes: [the situation of neglect is an issue] not cultural, but subcultural, because we can't talk of culture.»²³¹ The moral neglect, in turn, would be a cultural feature, a trait typical of all the families, irrespective of life conditions, affective integrity, educational capacities and the experience of the single members of a Roma family. According to the public prosecutor they are all inadequate and the harm, and thus the element that triggers the removal and then the adoptability of the minor, lies in the alleged *Roma essence* of the parents themselves.

²²⁷ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

²²⁸ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

²²⁹ Interview with T. deputy public prosecutor at the JC of Rome, 13 December 2012.

²³⁰ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

²³¹ Interview with T., deputy public prosecutor at the JC of Rome, 13 December 2012.

Dirt and absence of services are mentioned also by a judge and, also in this case, the way in which the statement is formulated, reveals the idea that parents are allegedly intentionally *letting their children live* in an inadequate context: «If parents let him/her live in an inadequate context, in a dirty context, where it's cold, where there aren't services, where there isn't anything, they don't work, don't take enough care of him/her...»²³² The situation described by the judge coincides with the result of the policies implemented by the municipal administration, therefore the subject *parents* could be easily substituted with *Municipality of Rome*.

In the words of other judges, the declaration of adoptability becomes the only feasible way ahead when – as the law on adoption states – the situation of harm is irremediable: «When despite the interventions provided for the protection of the family unit there is no reaction, no willingness to change. Though within the limits of what can be changed. Because if I ask a Roma family to become as one of our families, it's quite difficult that this can happen.»²³³ According to the interviewed judge, who in several phases of the interview emphasises that he does not have any prejudices against Roma, the recovery of parenting capacity, the change and the way towards adequate parenting -- should be adapted to the Roma world and culture. The remedial intervention would lead to the assimilation of Roma families to our family model (it is not clear what kind of boundary there is between Roma families and the families of the majority society, and to what extent the two categories do exist in reality); a hardly achievable objective though, because of the structural limits typical of the Roma (not specified).

According to another judge, it is rather the lack of care, of attention for the schooling path, of adequate diet and clothing, that render the removal necessary: «The minor needs an adequate development, having certain things and being encouraged to develop his/her potential. He/she needs to be looked after, to be fed, covered, and sent to school»²³⁴. Similar are the words of a social worker, according to whom the factors that determine a state of neglect are: «The absence of the parents or of persons of reference; when they live in hygienic conditions...you really see that they are dirty and maybe they even show signs of abuse [...] Though, in the end when they go to school, they are quite clean...maybe they have shorter trousers, the shoes, but you don't look at those things.»²³⁵ According to another social worker: «Poverty is not creating an obstacle, it isn't being dirty that provokes harm; those for which children are removed are much more serious situations. You must evaluate situation by situation. Certainly school attendance is an important parameter.»²³⁶

Another judge is of a different opinion; according to him the removal becomes necessary when the following situations arise: «Living in a shack, living off begging, in a non-surveyed camp, or even sometimes under a Tiber's bridge. The housing condition is certainly a circumstance that contributes to determining the removal of the minor from his/her parents. Then, there are more serious cases of children used to beg in the street, who maybe are abused

²³² Interview with C., judge at the JC of Rome, 24 January 2013.

²³³ Interview with R., judge at the JC of Rome, 3 December 2012.

²³⁴ Interview with I., judge at the JC of Rome, 5 December 2012.

²³⁵ Interview with B., social worker in a district of Rome, 9 January 2013.

²³⁶ Interview with D., social worker in a district of Rome, 9 January 2013.

because they don't make enough money.»²³⁷ The elements of harm that are considered particularly serious, are poverty, substandard housing, begging.

Begging and illegal activities such as theft, are mentioned by the JC president: «Until we have family units in which children are not vaccinated, don't go to school, are filthy, dirty, foul-smelling, in the streets, are trained to steal. Either they are taken to steal, beg, or they are beaten up then... I don't leave them like this.»²³⁸ As we can infer, the criteria used to define the neglect refer to health care, schooling, personal hygiene, involvement in illegal activities.

As far as the involvement of minors in begging is concerned, within the JC, there are also other opinions:

«I even had an argument with a journalist who says: "You tolerate these mothers who beg with their children and use children to beg". Attention! If the child isn't unwell I don't remove him/her; then there are also those cases [in which] the child is unwell, the mother for whatever reason hasn't realised it and, at that point, I remove him/her because, there, it doesn't mean that...you need to beg, but [that you, mother] must realise if the child is well or unwell.»²³⁹

«People who are worried when they see women outside the supermarket in the cold, in the hot weather, who carry these little children like that, begging. Hey, I repeat...it's certainly colder far away from your mum.»²⁴⁰

«They are situations [those in which the declaration of adoptability is necessary] in which there is no possibility of recovering parenting capacities, you are aware of a situation of very serious harm and there is no way out of it within a reasonable time: this is a general criteria, which is not applied for a section of the population. The threshold is represented by the fact that the minor is exposed to a very serious harm and the possibility of recovery cannot be envisioned. The fact that the minor is begging sporadically in not a very serious risk, we are talking of much more serious things. Begging in itself doesn't signal a very serious risk. It isn't a serious threshold; it's a threshold requiring intervention, as I was saying, by giving prescriptions to the parents, with the social workers, but also by summoning the parents in court, warning them not to use him/her in such a way, warning them to send him/her to school, if he/she is in pre-scholar age, look if he/she can be integrated in a kindergarten, and then monitor [...]. But this doesn't mean suspending the parental relationship and opening a procedure for the verification of the state of neglect. The situations that make us wonder whether it is appropriate to open, and not to immediately decide, a procedure for the verification of the state of neglect are much more serious.»²⁴¹

The conflicting opinions of judges and public prosecutors on the phenomenon of begging, reveal the extent of their margin of appreciation when they have to determine what neglect is and what is harmful for the minor. They also show the extent to which personal orientation and individual experiences risk driving the judicial path towards different directions and verdicts, depending on the judge who is in charge of the case.

²³⁷ Interview with D., judge at the JC of Rome, 17 January 2013.

²³⁸ Interview with the president of the JC of Rome, 18 March 2013.

²³⁹ Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

²⁴⁰ Interview with M., public prosecutor at the JC of Rome, 20 December 2012.

²⁴¹ Interview with G., judge at the JC of Rome, 15 January 2013.

Listening to some social workers, and not only them, the feeling one gets is that, according to some interviewees, the success of an intervention depends on how effective the removal of the minor from the "camp" is. «It was a success because she didn't want to go back to the camp»; «I was disappointed with the oldest girl because then she went back to live among Roma»; «one of the successes was keeping the Roma girls away from the reality of the camp», as if life away from the camp, and thus away from their own family of origin, was necessarily a better life. However, the law does not say this. According to a public prosecutor: «It's wrong to say: "But if I place him/her in another family, he/she will have a better life." Maybe, it could be, but this isn't what the law says [...]. The reasoning is that: if the family is really not adequate, not even with the support of the family network, the state of neglect must be declared and he/she must be placed in another home: so the family of origin has to be protected first, it being understood that this isn't a taboo either. Some judges, but I believe probably also some social workers, instead of thinking that we have to work hard to keep the child in the family of origin say: "No, this child will not be able to have a normal life as we deem it by living in a camp. Whereas, if I place him/her in a police officer's home, the police officer represents the rule of law, he/she will send him/her to school, will have running water and, at the end, also an inheritance, which a Roma parent maybe cannot give to him/her". In my opinion, this thinking is wrong. If these arguments are reasonable in absolute terms, they are wrong in relative terms, because the law says differently»²⁴². The law says differently, as the prospect of material well-being in a new family is not a sufficient reason to separate a child from his/her own parent and the family bond should be protected to the extent to which it does not damage the psychological and physical development of the child.

We close this chapter with the words of the public prosecutor quoted on several occasions, who stood out for the strong prejudice embedded in his statements. As reported earlier, the public prosecutor deems right to separate all Roma children from their parents and, to this purpose, he evokes the biblical scene that opened this text: «Imagine what would happen if we removed all the children under 3 years from the nomad camps, it would be a massacre of the innocents. Do you remember the massacre of the innocents when Jesus Christ was born, that Jewish king – whose name I can't remember now – killed all the children under 3 because he was afraid of this birth, of being obscured. It's a biblical thing. The massacre of the innocents, we remove them all and here we go.»²⁴³

²⁴² Interview with F., public prosecutor at the JC of Rome, 20 December 2012.

²⁴³ Interview with the deputy public prosecutor at the JC of Rome, 13 December 2012.

CONCLUSIONS

First of all, *My mother was a Roma* wanted to define from a quantitative point of view, the phenomenon of adoptions of Roma minors in the Lazio region and in particular in Rome. The study stems from the alarming results of the research "*Dalla tutela al genocidio?*" ("From protection to genocide?") and prompts from a reflection on the political dimension of adoptions.

The anthropological analysis of human relations in the context of adoption procedures, suggests the ambivalent nature of adoptions. Although they remain a gesture of love, when they involve two spaces or two elements marked by social, cultural, political and geographical distance, they risk becoming the emblem and the palliative of unbalanced power relations, regulated and determined by policies directed at perpetuating them. In the city of Rome, the Roma group is the target of policies that promote social exclusion, and the separation between Roma and the rest of the society is remarkable. For this reason, adoptions of Roma minors, though formally domestic, reproduce the dynamics typical of international adoptions. As a matter of fact, they entail a *migration* of Roma minors, mainly of foreign nationality, belonging to a minority group that is subjected to discriminatory policies, from their own families towards non-Roma families of Italian nationality and representative of the majority society. As the research showed, this *migration* is particularly significant and develops from different premises.

In fact, the quantitative inquiry showed that between 2006 and 2012, 6% of the Roma minor population was reported to the JC, that is 1 Roma minor out of 17. The percentage decreases dramatically to 0,1% with regard to non-Roma minors, in which case only 1 minor out 1000 was reported. The study points out that in the mentioned years, a procedure on adoptability – that is a procedure aimed at determining whether adoption is appropriate – was opened for 1 Roma minor out of 20 and for 1 non-Roma minor out of 1000. The declarations of adoptability – the final verdicts that declare that a minor should be placed for adoption – concern 1 Roma minor out of 33 – 3,1% of the Roma minor population in Lazio – and 1 non-Roma minor out of 2000 – 0,8% of the non-Roma minor population in Lazio. In Lazio the Roma minor population represents 0,35% of the total minor population so, from 2006 to 2012, if the proportion was respected, Roma minors declared adoptable should have been only 4. Different from what could be expected, the declarations of adoptability are 117, a number about 30 times greater than that expected. In other words, compared to a non-Roma minor, a Roma minor is about 60 times more likely to be reported to the public prosecutor's office at the JC, about 50 times more likely to be the subject of a procedure of adoptability and almost 40 times more likely to be actually declared adoptable.

These data are the result of a variety of factors and the phenomenon is certainly complex and cannot be attributed to only one cause. In this research we tried to examine some of them, on the basis of the stories and the interviews gathered during the empirical phase of the inquiry. The conducted analysis leads to two main considerations: the first one concerns the distance between the majority society and Roma communities in substandard housing, and the second one, the role that local policies play in relation to the hardship of Roma families.

The present research revealed that knowledge on the Roma is very sketchy and that professionals involved in the procedure leading to adoptions have a marked prejudice towards

them. Moreover, the interviews indicate that judges are totally unaware of the high presence of Roma minors in the cases treated by the JC. We found, among judges as well as social workers, a widespread culturalist approach towards the Roma issue. Judges, public prosecutors and social workers conceive the Roma culture as a homogenous and uniform space, populated by identical and strongly stereotyped figures, among which the most notable is that of the Roma dedicated to criminal, illegal and violent activities, to begging and to the exploitation of his own children. Although material and housing conditions are deemed detrimental for the minors, such conditions are attributed to the Roma culture and the parents' free choices. The role played by social policies in relation to the poverty and the inadequate housing conditions of many Roma families, is rarely acknowledged. Objectively, the conditions in many camps are inadequate and violate children's rights²⁴⁴. However, if such inadequacy is associated to the Roma culture and not to the effects of local policies, which are systematically aimed at accentuating the social and economic disadvantage of Roma people, then the removal of the minor from his/her own family, deemed culturally and ontologically unfit to protect childhood, becomes the only solution. In this perspective, the object of the social workers' intervention is no longer the psychological, economic, social and thus transitory and temporary disadvantage, but the inadequacy of the Roma culture, a culture so deeply rooted, that change is impossible. The actions of the social workers are vain and useless and the only way to protect children is to remove them from culturally inadequate families. Then the cases are reported to the JC and, once the procedure is opened – according to the interviewees, although the data show the opposite – if the parents are Roma, then the chance of a declaration of adoptability is higher. The reason of this would be that Roma do not have a whole series of instruments of different nature, and therefore they do not fully understand the notifications of the court, what is happening to their family, the need to show up at the hearings and the possibility of being properly defended by a lawyer. Furthermore, the results of the research point out that Roma distrust the institutions of the majority society and that their fear that also the other children may be removed, keeps them away from the courtrooms as well as from the municipal and hospital social workers. Mistrust is reciprocal: according to some interviewees, social workers visit Roma settlements reluctantly and often show up accompanied by police forces, thus increasing the distance between the families and the social services. Without a doubt, the social services' failures, oversights, negligence, caused by the lack of instruments and resources, by fear or ignorance, affect negatively the development of the cases of reported Roma minors. The interviewees' considerations – for example that once he/she has been reported, a Roma minor is more likely to be declared adoptable than a non-Roma minor – do not match with the data emerged from the quantitative inquiry. As a matter of fact, once the procedure has been opened, a Roma minor has fewer chances to be declared adoptable than a non-Roma minor. Actually, these reflections offer an interesting explanation of the large number of Roma adoptions in relation to the large number of reported Roma minors. We saw earlier, that the latter are exceptionally numerous and it is possible to hypothesize that if the obstacles mentioned by the interviewees did not exist, the reports would have a greater probability to be closed with a non-suit judgement than a declaration of adoptability. In this regard, as long as the housing policy of the "camps" will stay unaltered, a service of mediation between the juvenile court and the Roma and between the social services and the "camps" appears to be needed. The objective of the mediation should be to make Roma parents more aware of what is happening to their family, and thus to provide information on the development of the

²⁴⁴ See: Associazione 21 luglio, *Roma(a) Underground*, February 2013.

proceedings, on the role of the judges and on their own rights, to explain clearly and accurately the importance of following the social services' prescriptions, the importance of respecting the recommendations of the doctors in case the child is attended by hospital social workers, and so on. At the same time, mediation means making social services aware of the heterogeneity of the Roma world, of the fact that difficulties in the family are not the product of a culture but of socio-economic factors and are often caused by the local policies rather than being deliberately determined by the Roma.

The second reflection arising from this research concerns the power relations between policy makers, that is the municipal administration, and Roma communities. Roma minors in substandard housing, who sometimes have been living on the national territory since their birth, seem to belong to a foreign territory, other than that where the majority society resides. The space of the "camps" where they live is perceived as an alien space, physically and humanly distant from the rest of the city, and its existence is tied only to the political will and the electoral plans of the local administrators. Parental inadequacy, when it exists, often originates from social policies which do not solve, but rather exacerbate the socio-economic disadvantage. The "nomad camps" institutionalise poverty and urban exclusion; election campaigns based on security issues reinforce social, labor and housing exclusion. However, only a few interviewees carried out an analysis of the gaps in the current policies and are embarrassed to work within this framework and to be forced to resort to judicial instruments of work in cases where the difficulties are social and do not arise out of parental failures, where the disadvantage and hardship would seem to be attributable to policies heralding poverty, exclusion and deviance rather than to the individual family's story. «For many, equality is achieved through adoption»²⁴⁵ is an emblematic sentence pronounced by a public prosecutor: adoption appears to be the instrument to achieve equality, an equality that the social policies should create, of which local authorities should take charge, which should be realised within the family and which should not violate the minor's right to be raised by his/her own parents.

²⁴⁵ Interview to T., deputy public prosecutor at the JC of Rome, 13 December 2012.

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