
Suppressed Voices

A comparative study on the gender-based violence faced by Italian Romani women and Indian Dalit women

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ABSTRACT

This thesis is intrinsically a comparative study of intersectional discrimination faced by women of the Italian Romani community and the Indian Dalit community. While the reason for comparing a community long settled in Europe with a community which is indigenous to India might not seem apparent, the thesis will show the high degrees of similarity within the patriarchal system prevalent in both communities, as well as the similar types of discrimination faced by both groups, especially women.

The main question that arose was whether there was enough of a framework in both cases to provide protection at least by law to both these communities' women. Starting off with comparing the historic origins and levels of discrimination faced by both groups, the constitutions of both the countries in question were reviewed to figure out whether there were any protection mechanisms put in place from the very beginning. After that the laws of the two countries were reviewed to see what there is to protect women, especially those from marginalized communities, from gender-based violence and discrimination.

What have been found out from this research are a dearth of legal protection in the case of Italy, and a dearth of implementation in the case of India. The grass-root level is the worst off in both the cases, as they have little to no recourse, either because of the system within or the system outside.

This thesis can act as a stepping stone to create legal provisions such as India's as a best practice, and implementation mechanisms for both countries.

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INTRODUCTION

More than half the population of the world is of the female gender, yet parliaments across the world still have a meager 8% representation of them¹. In such a situation, women belonging to marginalized communities get further and further pushed down the ladder. The idea behind this thesis is to give a comparative overview of the patriarchy and group-based violence which women belonging to two marginalized groups – the Italian Romani communities and the Indian Dalit community- face. While the two countries might seem inherently different, both India and Italy are steeped in tradition and culture, where marginalized communities have existed, and both countries have gone through many political upheavals throughout its history.

Similarly, the treatment meted out to marginalized groups, specifically to the females of two particular groups, is being compared here.

The objective is to compare the Italian Framework and the Indian Framework of laws and find out where the lacuna lies for both of them regarding treatment of marginalized communities, irrespective of whether they are a majority or a minority, considering the fact that there are problems at the grassroot levels for both countries, despite one being a member of the European Union and the other one of the fastest developing countries. It will try and bring out a best practice between the two countries which can actually be implemented at the primary stakeholders' level instead of just putting it down on paper.

The thesis is being written as secondary research, though I was involved in the compilation and analysis of data on gender-based violence against Italian Romani people. None of the

¹ "Women's Reservation- A long delayed and much needed step", Center for Legislative Research and Advocacy, Policy Brief Series, 2008

unpublished findings have been stated here. Also, for the sake of this paper, violence shall include any discriminatory action which would cause emotional and mental violence, and not just physical violence.

While admittedly the Italian Romani people and the Indian Dalit people are formed by many smaller communities, for this thesis, they are being grouped together under a single heading each, as the discriminations faced by them is seldom because of the sub-grouping, but more because of their mere membership to the larger group. The works used include researches of sample populations across a large socio-economic demography. However, while the general voice emanated from the research has been taken as the voice of the entire group in question, reality can differ from sub-group to sub-group.

The chapters are broken up in such a way so that they give the reader a good idea as to where the discrimination and violence stem from, and what the situation is today, along with the legalities involved. Then they go on to cover what needs to be done in order to bring the countries up to the standards expected on a global human rights platform. The chapters are:

A Historical Perspective - this chapter, as the name suggests, shall look into the origins of the Indian Dalit Groups and Italian Romani groups, while peeking into the patriarchal conditions of both countries, and how it can be accounted for. Then the groups in question are examined keeping patriarchy in mind.

Legally Speaking- this chapter is all about the international human rights laws that countries are expected to follow, especially those who have ratified them. It goes into the constitutions of India and Italy, and gives an insight into the steps taken by the two countries in making the

States more inclusive. Then an overview of the domestic legislation which protects women and minority and marginalized groups is taken.

Ground Level Reality- this chapter looks at what is actually going on at the grass-root level- where is the violence happening? Who are the main perpetrators? What is the condition of the victims? How is marriage an instrument of violence for the Dalit and Romani people? How can Prostitution be an end to an act of violence?

Need of the Hour- this chapter goes into the steps that need to be taken immediately in order to curb the violence that is going on, as well as the long term steps required to be taken in order to ensure more socio-economic and socio-political inclusion.

This thesis will conclude with whether the objectives with which it had begun have been achieved or not- whether the lacunae in the two countries' legislations and implementation have been clearly exposed and whether a practicable solution can be brought about in order to fill in those gaps.

A HISTORICAL PERSPECTIVE

India and Italy both share a common bond in being historically entrenched in religious and cultural traditions. Even with migrant groups who come across over a period of time, it has been the norm for them to acclimatize themselves with the cultural scenario at hand. In order to get a better understanding of the two communities and why such a comparison is possible, it is important to look at the history of both the peoples in question. Essentially, both have faced discrimination and violence over the centuries, some more than others, and what is fascinating is that both the groups, as we shall see, have always been treated like the ‘other’.

IN THE BEGINNING

The history of the Romani people and the Dalit people (formerly known as ‘Sudra’² and ‘untouchables’³) are similar beyond the scope of this thesis. A lot of scholars have debated on the origins of the Romani groups. While most seem to agree that they hail originally from India, it has been difficult to pinpoint the exact point in history when the mass migration took place. Hancock⁴ mentions in one of his writings about two sources, in one whose author thought that

² Also known as the lowest caste in the Hindu Caste system. For more information on the caste system which prevailed in India 1500 BC onwards, please refer to the Manusmriti, written by the Sage Manu, translation available at http://sanskritdocuments.org/all_pdf/manusmriti.pdf (last accessed on 25th November, 2011)

³ Mayell, Hillary, “India's "Untouchables" Face Violence, Discrimination”, The National Geographic News, 2 June, 2003, available online at http://news.nationalgeographic.com/news/2003/06/0602_030602_untouchables.html ‘More than 160 million people in India are considered "Untouchable"—people tainted by their birth into a caste system that deems them impure, less than human.’-
nd

⁴ Hancock, Ian, “We are the Romani People”, The Interface Collection, 2002, University of Hertfordshire Press, Hertfordshire, page 2

they were of Dravidians origin, and that —they were pariahs and, according to tradition, metal workers, minstrels, story tellers and fakirs|| and in another, an encyclopedia, wherein the authors, while agreeing to the probability of a Hindu origin, go on to say that —[o]nly instinct such as is found in the lower animals seems to lead them to follow in the path of their ancestors||.

Scholars have conflicting opinions about the origins of the Romani people in Europe. Some say it was when a King of India sent a band of musicians to his son-in-law, the King of Persia, about two thousand years back⁶. Others say that they migrated during the Ghaznavi invasions of India⁷. Despite all the differences between the theorists and Romani history experts, there is a common consensus on their Indian origins.

The Romani people wandered around the continent of Europe before settling down in various areas, stretching from the Balkans to the absolute borders of Europe. In Central and Eastern Europe, the Austro-Hungarian rulers and the Ottoman rulers had policies which shaped Romani people into the basic structured communities as we know them today, for they tried to assimilate them and force them to settle⁸. In 1422, the Bolognaise reported a group of —Egyptians|| coming in. By the end of the 15th Century, many more Romani groups followed suit, either traveling to

⁵ Considered to be indigenous to the Indian sub-continent. Please see Frawley, David, “The Aryan-Dravidian Controversy”, available online at http://www.hindunet.org/hindu_history/ancient/aryan/aryan_frawley_1.html last accessed on 25th November, 2011

⁶ Firdausi, the famous Persian poet spoke about this- Hancock, Ian, “The Emergence Of Romani as a Koine outside of India”, available online at http://www.radoc.net/radoc.php?doc=art_b_history_koine&lang=pt&articles=true last accessed on 25th November, 2011

⁷ Referring to King Mohammad of Ghazni- Hancock, Ian, “The Emergence Of Romani as a Koine outside of India”, available online at http://www.radoc.net/radoc.php?doc=art_b_history_koine&lang=pt&articles=true last accessed on 25th November, 2011

⁸ Ringold, Dena, Orenstein, Mitchell A., Wilkens, Erika, “Roma in an Expanding Europe: Breaking the Poverty Cycle”, The World Bank, Washington DC, 2005, page 6

Italy by sea or by land.⁹ —Romani groups from the Ionic and Adriatic coast settled in the south of Italy, followed in the 16th Century by the settlement of Sinti groups from Northern Europe in the North of Italy. Vlax Roma arrived from Moldavia and Valachhia in the 19th Century. At the end of the First World War all Roma in the annexed territories became Italian citizens¹⁰. Originally, this migration was caused mostly due to Romani people being traded as slaves. It is to be noted that had all the policies which had been enacted to oppress the Romani people been enacted, then the Romani people would have been wiped out by now. However, the worst period was when the Nazis created concentration camps for them. Perhaps, it was only in the Socialist period that Europe saw this wave of approaching equality for all- while of course being —culturally repressive¹¹.

The Dalit people comprise of those people according to the Indian Caste system, of either the lowest castes, such as the Sudras, and those who were outside the caste system. The caste system is supposed to be Aryan in origin, and it was imposed by them on the indigenous tribes of India. Since then, the untouchables have been marginalized and ostracized. They were considered to be so impure that for a higher caste to step into an untouchable's shadow was as if the worst plague had hit him or her. The untouchables have, since then, lived in their own villages, drawn water from their own wells, brought up with their own customs, but generally sticking to the Hindu pantheon of gods and goddesses for worship.

⁹ Colacicchi, Piero, 'Ethnic Profiling and Discrimination against Roma in Italy: New Developments in a Deep-Rooted Tradition', Roma Rights: Journal of the European Roma Rights Center, Italy's Bad Example, Number 2, 2008, page 35

¹⁰ Scicluna, Henry, "The Life and Death of Roma and Sinti in Italy: A Modern Tragedy", Roma Rights: Journal of the European Roma Rights Center, Italy's Bad Example, Number 2, 2008, page 9

¹¹ Ringold, Dena, Orenstein, Mitchell A., Wilkens, Erika, "Roma in an Expanding Europe: Breaking the Poverty Cycle", The World Bank, Washington DC, 2005, page 6-7

However, in her writings, Romila Thapar, a renowned historian disagrees with the rigidity of the caste system, claiming a lot of it to be modern-day caste-based politics, and says that —[m]oralizing on the evils of caste precluded the need to (...) recognize the large area of negotiation which, to some degree, permitted certain castes to shape their status. For example, families of obscure origin and some even said to be of the lower castes, rose to political power and many legitimized their power by successfully claiming upper caste kshatriya status. To concede these facts would have contradicted the theory that the upper castes are the lineal descendants of the Aryans||¹²

Despite such speakers against the notion that the caste system was not as strict as we make it out to be, there were enough instances of uprisings against the caste system. In the 19th Century, Jyotirao Phule, a man in Maharashtra, belonging to one of the lower castes, decided that the oppression of the Brahmins had become unbearable. He was lucky enough to have been educated in a Christian missionary school at that point of time- which meant he could read and write English. Greatly inspired by Thomas Paine's 'Rights of Man', he started a systematic movement against Brahmanic authority in India. He, along with his wife, took a lot of steps towards the emancipation of the untouchables in what is now modern-day Maharashtra, a state in India.¹³

However, in other parts of the country, atrocities continued. Untouchables were and in some places still are, disallowed from going to the communal well to draw water, or coming to common gatherings and so on and forth.

¹² Thapar, Romila, "The theory of Aryan race and India", *Social Scientist*, January-March 1996, Page 11.

¹³ Kheer, Dhananjay, "Mahatma Jotirao Phule- Father of Indian Social Revolution", published in 1964, reprint in 2002, <http://books.google.co.in/books?id=PFY9fz68KEsC&lpg=PP1&pg=PP1#v=onepage&q&f=false>

Mahatma Gandhi referred to the untouchables as ‘_harijans’, translated as ‘_God’s own’. In the Indian Constitution, the untouchables were given equal status with the rest of the castes- untouchability was a crime against the Constitution hence forth. They were also put into protected categories under Scheduled Castes and Scheduled Tribes. Moreover, reservations were made in every public institution- from schools to government offices, to ensure that there was representation of the former-untouchables. However, the atrocities, though lessened, still continue till this day.

The term ‘_Dalit’ comes from the Marathi language of India- it means, ‘_trodden-on’, signifying the oppression that this particular segment of society has to face. It is an umbrella term adopted by many lower castes who face similar problems from the upper castes. Today, there is political representation for the Dalits everywhere-yet something seems to have failed. Huge numbers of them are still below the poverty line, considering the fact that they were already 16% of the population of India in 1991¹⁴.

PATRIARCHY AND WOMEN

The World around, patriarchy has been in the memory of mankind since civilization can remember. According to Aristotle, women are —morally, intellectually, and physically inferior to men. They are incomplete human beings, without a fully developed soul. They are irrational, and even with extensive schooling could not attain the intellectual status of men. Their main function is to produce males, who are complete, unified human beings, with a fully developed soul.

¹⁴ Webster, John C.B., “The Dalit Situation in India Today”, Page 1,
http://www.ijfm.org/PDFs_IJFM/18_1_PDFs/jw_dalit_situation.pdf

Because of these gender discrepancies, Aristotle maintained that it is a virtue for men to dominate women, and shameful to give women equal treatment.||¹⁵

India and Italy were formed on similar grounds- many rulers came together to form the countries as we know them today. In a similar manner, patriarchy has always been the norm in both these countries.

Italian notions of modern-day patriarchy can be found in writings by Aristotle, who influenced Greco-Romano culture immensely. While having a base there, it is important to look at the religious tenets of the Judeo-Christian teachings, such as the Fifth and Tenth Commandments- the former seeming to be calling for the equal treatment of the father and the mother, while speaking of a male God, and the latter actually treating women as possessions of men.¹⁶ Italy's culture has deep roots in Catholicism, and this has been seen even in the way the European Court of Human Rights has treated it.¹⁷

India's patriarchy is equally deep-rooted- with Hindu mythologies depicting Lord Rama banishing his wife, Sita to the forest because the society considered her to be tainted as she had been kidnapped by another man, a demon from Lanka (modern-day Sri Lanka) , the ten-headed Ravana. Funnily enough, in this text itself, the Aryan-Dravidian divide is held up, Rama being an Aryan Prince, and Ravana being a Dravidian King, and considered to be a demon. Within the construct of this story, his sister, Surpanakha, was considered to be a demoness of unsurpassed

¹⁵ Fishbein, Harold D., "Peer prejudice and discrimination: the origins of prejudice" Second Edition, Psychology Press, 2002. page 27

¹⁶ Ibid. 15

¹⁷ See Lautsi and Ors. v. Italy, judgment available at http://www.echr.coe.int/echr/resources/hudoc/lautsi_and_others_v_italy.pdf last accessed on 5th November, 2011

beauty¹⁸. Little does one wonder where to look for regarding inspiration in racism within one's own land. Moreover, with the advent of Manusmriti¹⁹ the casteism got more rigid and structured, and the position of women became even more inferior than before. With the advent of Islam in the sub-continent, a religion well-known for manifesting itself in the hands of the preachers into an instrument of domination, and then Christianity, women were and still are treated as possessions and consorts, rather than the propagator and matriarch of the family. However, this is not to say that India does not have matriarchal societies- in the states of Meghalaya and Kerala, matriarchy is still prevalent, although the laws of the country seem more patrilineal.

THE SOCIETAL STRUCTURE IN DALIT AND ROMANI GROUPS

The family and community structure for both Dalit and Romani groups are essentially patriarchal- the former due to the rooting in the caste structure of Hinduism, and the latter because of either the original culture that they hailed from, possibly Indian, or else merely with the absorption of the cultures around them wherever they finally settled. This ends up doubly marginalizing women of these groups for firstly they are members of a marginalized group, and secondly they are the 'weaker' sex. As we progress in this thesis, we shall see the different types of violence meted out to women of both these groups by the men in their community.

LINKING HUMAN RIGHTS WITH HUMAN HISTORY

As we have seen above, societal pressure has always been there to subjugate women in both the socio-political contexts. From the cultural point of view, both India and Italy have exhibited

¹⁸ From the epic written by Valmiki circa 5 -4 Century BC, "Ramayana", thEnglish version available at <http://valmikiramayan.net/> last accessed on 13 November, 2011

¹⁹ Ibid. 3

enough male chauvinism to bind women within patriarchy, and perhaps make them feel that they are obligated to uphold the patriarchal values.

Way before the concept of human rights came about as a discourse, there were revolts in India, as stated above to try and denounce the Caste system. It required the independence of the sub-continent before anything could be realized on paper.

With Italy, despite its history of fascism at the hands of Mussolini, surviving the Nazis, as well as acceding to the European Union, and free movement, there is a great divide between the Italian Italians and the Italian Romani population and, as we shall see later in the thesis, a seeming —Denial of Racism||²⁰, which in a way permeates Indian society as well through Casteism.

²⁰ Petrova, Dimitrina, "Racial Discrimination and the Rights of Minority Cultures", in "Discrimination and Human Rights: the case of racism", Sandra Fredman ed. Oxford University Press, 2001, page 47

LEGALLY SPEAKING

Italy is part of the European Union, which has a separate system to monitor human rights under the European Convention of Human Rights. With India, its own birth was affected by colonialism and racism, and a post-colonial country does everything to make sure that the negative sides of apartheid and racism do not carry on into the new, independent generation.

For Italy, as shall be seen below, there seem to be too few measures too far between to actually take care of the multifarious gender-based discrimination and violence taking place, especially with regard to the Romani communities. In India, the case is quite the opposite, but perhaps it is a case of getting overwhelmed with too much meaning too little.

GLOBALSPEAK

Ever since the formation of the United Nations, the world has come together for various causes- to attain peace and harmony, to bring all human beings on to the same platform of rights and so on. Out of these various attempts have risen covenants and conventions such as the following:

1. International Convention on the Elimination of all Forms of Racial Discrimination- this was born in 1965, and has been ratified by 169 countries. Its basic idea is to eliminate any kind of discrimination, which would abrogate human rights, arising from race, color, descent, or national or ethnic origin.
2. International Covenant on Civil and Political Rights- created in 1966, with 151 ratifying countries, it guarantess all civil and political rights and liberties such as right to life, liberty, marry and found a family, freedom from inhuman treatment, and freedom of thought and expression

3. International Covenant on Economic, Social, and Cultural Rights- once again, created in 1966, with 148 ratifying states, it guarantees all those rights often treated as secondary rights such as right to health, education, work, adequate standard of living, and benefits of scientific progress
4. Convention on the Elimination of all Forms of Discrimination Against Women- brought about in 1979, with 174, it encourages to eliminate discrimination against women in civil, political, economic, social, and cultural areas. However, it does not have any binding legal value, with recommendations being made by the panel which the countries are free to accept or refuse. It does act as a good naming and shaming tool though.
5. Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment- brought about in 1984 with 133 ratifying countries, it aims at doing away with any kind of purposeful infliction of physical and mental suffering for coercion, punishment, or intimidation
6. Convention on the Rights of the Child- passed in 1989 with 192 ratifying States, it defines and guarantees civil, political, economic, social, and cultural rights of children under age 18 and their parents. The reason why this is important here is because of the girl children who face gender-based abuse, child marriages, etc.
7. International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families- tabled in 1990, it has 192 ratifying states.
8. European Convention on Human Rights- Ratified by all European Union members, it is a prerequisite for all European Union member States to apply this to their own legal mechanisms.

Italy is a member and is supposed to have all the secular values enshrined such in the Convention.

India and Italy are parties to all the other above mentioned documents, barring one- the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families.

CONSTITUTIONALLY YOURS

The principles of equality and non-discrimination can be found in the Italian Constitution in Article 3²¹ wherein everyone is guaranteed equal social dignity and equality in the eyes of the law regardless of sex, race, language, religion or political opinion. Through this article is routed the idea of positive action to eliminate any kind of barrier which might limit a citizen's claims to equality and freedom which would in turn prevent them from becoming fully developed and assist them in participating in the socio-political and socio-economic organization of the country. Article 51²² reasserts the equality of women.

In order to ensure political participation by both men and women, the Law 277\93 for elections at the House of Representatives, the Law 81\93 for local elections and Law 43\95 regional elections were passed, which are worded in such a way so as to ensure a minimum of 30% representation by either sexes. Despite achieving some political representation for women, the Constitutional Court declared them to be in abrogation of the Constitution's principle of equality. However, for local level politics, Law 81/1993 Article 27 has been utilized to ensure gender

²¹ Page 5, The Italian Constitution (English Version) available online at http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf last accessed 12th November, 2011

²² Ibid., page 15

equality. A law has also been passed so as to assist women in gaining positions in Public Administration.²³

The Italian Constitution has always kept talks of minorities mostly at bay. A study²⁴ conducted by the European Roma Rights Center²⁵ showed that no positive moves have been taken towards including the Roma and Sinti into mainstream socio-economic and socio-political participation. Government Actors have mostly approached them and their issues from the point of them being problem creators and being problematic. Till date there is not a single Roma or Sinti representative at the Italian Parliament, or for that matter at any regional body.²⁶ This entire approach is governed by the belief that all these people are not sedentary, and that they are ‘nomads’ - despite the fact that many of them have not moved from their places of residence in over a hundred years! Since the 1980s many of them are housed in nomad camps on the fringes of cities and towns.²⁷

In May 2008, the current government adopted many negative measures regarding the Roma and Sinti people, such as the —Declaration of the state of emergency with regard to settlements of nomad communities in the territories of Campania, Lazio and Lombardia regions||, stating that

²³ Ruggerini, Maria Grazia, “Women in Decision Making” - report by the Italian Partner, available online at <http://www.db-decision.de/CoRe/Italy.htm> last accessed on 28th November, 2011

²⁴ Parallel Submission to the Committee on the Elimination of all forms of Discrimination Against Women on Italy under Article 18 of the Convention of the Elimination of all forms of Discrimination Against Women for its consideration at the 49th Session 11 to 29 July, 2011 concerning the situation of Romani Women in Italy, available online at <http://www.errc.org/cms/upload/file/italy-cedaw-submission-24-june-2011.pdf> last accessed 28th November, 2011

²⁵ The European Roma Rights Centre (ERRC) is an international public interest law organisation which combats anti-Romani racism and human rights abuses of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. www.errc.org

²⁶ Ibid. 24, page 3, paragraph 5

²⁷ Ibid., page 3, paragraph 6

the presence of —nomads|| being a cause for grave concern regarding order and security. 2009 saw the jurisdiction being extended to the regions of Piemonte and Veneto, and shall continue till the end of 2011. As in all states of emergency, many human rights are overlooked- the camp residents are often the focal point of forced identification as belonging to these groups, census taking, photography as well as even finger-printing in certain cases. Removal of people from designated camps as well as the breaking-down of informal camps is still carried on.²⁸

Article 6 of the Italian Constitution speaks of Linguistic Minorities. While seemingly progressive, only four of the various languages were favoured under it, and the others had to wait a long time²⁹. Since the mid-80s many regional and municipal laws were passed trying to protect the cultural heritage of the Roma and Sinti, giving them a regional minority status- this was a step taken to try and remedy their social situation. Although they were referred to as —nomads|| in these documents, these laws were aimed at protecting the languages and culture of the Romani population. Promoted at a regional level 1984 onwards, with the regional Law no. 41, titled *Interventi per la tutela della cultura dei Rom* (Interventions aimed at safeguarding the Romas' culture, renewed with the regional law n. 54 of 1989) adopted by the Veneto region (a region recently added to the Decree of Emergency as above mentioned).³⁰

Many other regions followed suit, and the second half of the Eighties saw the regions of Lazio, the Autonomous Province of Trent, Sardinia Region, the Autonomous Friuli-Venezia Giulia

²⁸ Ibid., page 3, paragraph 7

²⁹ Coluzzi, Paolo, "Minority language planning and micronationalism in Italy: an analysis of the situation of Friulian, Cimbrian and Western Lombard with reference to Spanish minority languages", Peter Lang, 2007, pages 30, 31

³⁰ Lapov, Zoran, "The Status of the Romani Linguistic Minority in Italy ", available online at <http://erionet.org/site/Publications/Articles/Romani-Linguistic-Minority-in-Italy/> last accessed on 29 November, 2011th

Region, Tuscany Region, Emilia Romagna Region, Lombardy Region, adopting similar legislations.³¹

The Nineties saw some regions renewing these local legislations, and some adopting them for the first time, such as, Liguria Region, Piedmont Region, Emilia Romagna Region, Tuscany Region. Also, the region of Marches promulgated a law called ‘Interventi a favore degli emigrati, degli immigrati, dei rifugiati, degli apolidi, dei nomadi e delle loro famiglie’ (Interventions in favour of emigrants, immigrants, refugees, stateless people, nomads and their families) in 1994³².

At the turn of the millennium, Tuscany and Piedmont tried to bring attention to this topic again. However, these legislations, although taken as acts in good faith, are not brought about in practice. Thus it has made no difference to the Roma and Sinti populace at all.³³

Finally, in 1999, the Italian Government brought about a law on Linguistic Minorities called ‘Norme in materia di tutela delle minoranze linguistiche storiche’ (Regulations on the subject of protection of historical linguistic minorities). This law concerns itself only with the the historical minority languages spoken in the territory of the Italian and recognises 12 linguistic minorities unlike the 27 given recognition by UNESCO (Law no. 482, 1999, article 2, sub-section 1). However, the Roma and Sinti people did not get their status as a linguistic minority, for they do not have territorial unity and according to some people, don’t even come under the garb of a historic minority! Thus, till now, Romanes is not an acceptable minority language because till date, the Italian Government has refused to recognize the Roma and Sinti people as non-

³¹ Ibid.

³² Ibid.

³³ Ibid.

nomads.³⁴ Other than the above-mentioned laws, it is noteworthy to mention the ‘Mancino Law’, Law 205/1993, named after the then-Minister Nicola Mancino, whose signature the law decree bears, which is to be used against inciters of violence, racial ethnic and religious discrimination. In 2003, Italy finally announced a Racial Equality directive, Decreto Legislativo No. 215 of 9 July 2003, ‘Attuazione della direttiva 2000/43/CE per la parità di trattamento tra le persone indipendentemente dalla razza e dall’origine etnica’

As far as domestic laws are concerned, specifically for women, once again, there seems nothing constructive on that front, other than the Law 11/2009 on combating sexual violence and other forms of persecution.

Till now, there is nothing to take care of intersectional discrimination and violence faced by women in the Italian Romani Communities.³⁵

The Indian Constitution guarantees various human rights through the Fundamental Rights (Part III, Indian Constitution) and had commented thus while ratifying the International Covenant of Civil and Political Rights and International Covenant of Economic, Social and Cultural Rights. Article 14³⁶ guarantees all women equality in the eyes of the law. Article 15(1)³⁷ guarantees that no one shall be discriminated on the basis of his or her caste or gender, and has also constitutionally abolished the caste system. Article 15 (3) orders the federal states to create special provisions in favour of women and children. Article 16 guarantees the right to equal

³⁴ Ibid.

³⁵ Ibid. 24, page 15, paragraph 73

³⁶ Part III, Fundamental Rights, Constitution of India, page 6, available online at http://india.gov.in/govt/documents/english/coi_part_full.pdf last accessed on 26th November, 2011

³⁷ Ibid., page 7, Articles 15-16

opportunity in matters of governmental employment. Article 17³⁸ abolishes ‘untouchability’, under which banner all the Dalits of today had been dealt with under a pre-independent India. Article 21³⁹ guarantees the right to life and the security of life.

The Directive Principles of State Policy in Part IV of the Indian Constitution, while being merely guidelines for creating new policies, are inherently connected with fundamental rights, and has been utilized in this way for the Right to Education⁴⁰. Here, in Article 39 A⁴¹, the State is to make provisions for free legal aid, to be given out on an equal basis to everyone desirous of it. Also, the State is to make provisions for securing just and humane conditions of work and maternity relief under Article 42⁴². Moreover, within the Constitution itself, under Article 46⁴³, there is a special directive meant to protect Dalits (referred to as weaker sections) from social injustice and all forms of exploitation. Article 51(A)(e)⁴⁴ directs the State to promote feelings of fraternity among all the people of India, and leave behind practices which would derogate the dignity of women. Reservations for women have also been included in Article 243 D⁴⁵ wherein

³⁸ Ibid., page 8

³⁹ Ibid., page 10

⁴⁰ Ibid., page 11- Inserted into the Constitution under Article 21 (Right to Life) as Article 21A

⁴¹ Part IV, Directive Principles of State Policy, Constitution of India, page 22, available online at http://india.gov.in/govt/documents/english/coi_part_full.pdf last accessed on 26th November, 2011

⁴² Ibid.

⁴³ Ibid., page 23

⁴⁴ Ibid., page 24

⁴⁵ Part IX, Constitution of India, page 129, as an institution for self-governance at the village level, full definition available at http://india.gov.in/govt/documents/english/coi_part_full.pdf last accessed on 26th November, 2011

at least one-third of the seats of Panchayats⁴⁶, inclusive of the quota reserved for the Scheduled Castes and Scheduled Tribes, are to be filled by women, as well as the positions of chairpersons, thus allowing grass-root empowerment. Under Article 243 T⁴⁷, the Municipality Election seats are reserved in a similar manner. Also, under Articles 330-332⁴⁸, special reservations are made at the federal state level as well as the central level for seats for special classes (i.e. Scheduled Castes, Scheduled Tribes, Anglo-Indians and any other underrepresented community).

The Indian Penal Code⁴⁹ deals with atrocities against women through various sections dealing in Rape (Sec. 376), Kidnapping & Abduction for different purposes (Sec. 363-373), Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B), Torture, both mental and physical (Sec. 498-A), Molestation (Sec. 354), Sexual Harassment (Sec. 509), Importation of girls (up to 21 years of age). Also, various Acts⁵⁰ have been brought about to assist all women, such as The Employees State Insurance Act, 1948, The Plantation Labour Act, 1951, The Family Courts Act, 1954, The Special Marriage Act, 1954, The Hindu Marriage Act, 1955, The Hindu Succession Act, 1956 with amendment in 2005, Immoral Traffic (Prevention) Act, 1956, The Maternity Benefit Act, 1961 (Amended in 1995), Dowry Prohibition Act, 1961, The Medical Termination

⁴⁶ Ibid.

⁴⁷ Ibid., Part IXA, page 141

⁴⁸ Part XVI, Constitution of India, available at http://india.gov.in/govt/documents/english/coi_part_full.pdf last accessed on 26th November, 2011- interestingly while Section 376 deals with rape, Section 377 deals with criminalizing any kind of non-procreative sex, which has stigmatized and criminalized the LGBTQI community in India for the last one hundred and fifty years, and is currently pending before the Supreme Court regarding its constitutionality.

⁴⁹ Act of 1860, available online at <http://www.vakilno1.com/bareacts/indianpenalcode/indianpenalcode.htm> last accessed on 24th November, 2011

⁵⁰ While some of these Acts do not refer to women from the outset, they protect women through various clauses so as to empower them legally.

of Pregnancy Act, 1971, The Contract Labour (Regulation and Abolition) Act, 1976, The Equal Remuneration Act, 1976, The Prohibition of Child Marriage Act, 2006, The Criminal Law (Amendment) Act, 1983, The Factories (Amendment) Act, 1986, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1987 and The Protection of Women from Domestic Violence Act, 2005.

In order to try and halt the violence meted out on the basis of caste, the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act was brought out in 1989. However, this Act is applicable only on non-Dalit people.

Other than the above, there is the National Commission for Women⁵¹, The National Plan of Action for SAARC decade of the Girl Child (1991-2000)⁵² and the National Policy for the Empowerment of Women, 2001⁵³.

Italy and India, on the face of it, have one difference- India has taken a top-down approach, and the Italians decided to take a bottom-up approach. In the former's case, the insecurity of being a relatively new country drove it to make multiple statutes, thus creating a formidable body of laws defending women as well as the Dalits. In the latter's case, while seeming to blend in with the European Union's ideals, it has not gone particularly out of the way to do anything in a centralized manner to ease the lives of the Italian Romani.

⁵¹ Formed in 1992 as a statutory body, more details can be found at <http://ncw.nic.in/> last accessed on 21 November, 2011

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⁵² For a full list of policies relating to children, please go to http://202.138.101.21/index.php?option=com_content&view=article&id=192&Itemid=121&lang=en last accessed on 21 November, 2011

⁵³ Full policy available online at <http://wcd.nic.in/empwomen.htm>, last accessed on 21 Novemberst, 2011

IS ALL THIS NEARLY ENOUGH?

Italian and Indian laws seem to be veering in two polar opposite directions- the former seems to be giving out apparently racially neutral, but linguistically driven directives, which can actually end up taking on a very racist turn, and the latter directives of positive discrimination, thus determining a separation between so-called privileged castes and those who have had to do without. Within these groupings, women still remain marginalized, despite the Indian measures of protecting women, for here comes in legislation which does not deal with the group dynamics of where a particular woman belongs.

As stated earlier, with Italy, while the regional bodies are eager to include the Roma and Sinti minorities in their positive legal rhetoric, the central government seems not overly keen to implement anything which would empower the Roma and Sinti communities. They don't even seem to want to implement laws to carry out their constitutional guarantees of equality of genders. Instead, with the emergency decree, they have merely opened a Pandora's box of further gender-based violence.

With India, the case is exactly as it seems- an enormous body of laws and legislations, leaving nothing to the imagination- yet it has fallen behind exactly where Italy lacks- a body of laws which takes care of the intersectional discrimination, hence violence, faced by women belonging to particular socio-ethnic groups.

Within the laws that are there, had there been enough implementation at the ground level, perhaps the discriminatory situations there today would not have been so prominent. Moreover, where a decree (in Italy) has been passed which, per se, is discriminatory and indirectly racist, it is akin to the Criminal Tribes Act of 1871 passed by the British Government in India, which

criminalized traveling tradesmen, and- in stranger similarity- nomads and gypsies. The Act was repealed in India in 1952. It was often taken as an act of racial superiority of the white man over the non-whites. Italy seems dangerously on the verge of doing the same.

GROUND LEVEL REALITY

Having the laws without any implementation at the ground level has always been an issue when it has come to countries with strong traditions, where societal norms rule more than legal morality. For instance, in India, the government has been forced to admit that —(societal) forces – caste, class, community and family – arraigned against women’s equal rights are powerful and shape people’s mindsets to accept pervasive gender inequality.||⁵⁴

However, where Italy seems to be further behind is that they have always neglected the fact that they have a Roma-Sinti minority population. Till date there has never been any census conducted to find out the number of Romani and Sinti people living in Italy.

In India, —women are still viewed as —bodies|| to be designed and patrolled as per a man’s wishes and convenience, a woman’s body has to fit into the —ideal|| dimensions and complexion to become normal and respectable....even the completely —normal|| women—fair, beautiful, educated and working—find themselves in a fix, be it the domestic sphere or the workplace, in various matters such as sexual harassment, dowry problem (the practice of giving money, gold and other household articles like a motorbike, TV etc. to a prospective groom for his magnanimity in agreeing to marry a particular girl) and inferior treatment...||⁵⁵

⁵⁴ Irudayam s.j.,Aloysius, Jayshree P. Mangubhai and Joel G. Lee, “Dalit Women Speak Out-Violence against Dalit Women in India”, Overview Report Study in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh, National Campaign on Dalit Human Rights, New Delhi, March 2006 available at http://www.idsn.org/uploads/media/Violence_against_Dalit_Woment.pdf last viewed on 28th November, 2011

⁵⁵ Radhakrishnan, Chitra, “Body as Bane: Women and Disabilities in Indian Patriarchy”, available online at http://www.isiswomen.org/index.php?option=com_content&task=view&id=655&Itemid=200 last viewed on 25 November, 2011

In Italy, it is not too different- women are overworked at home, overworked outside, and made to live in a culture which tends towards high levels of sexism. Men often take on lovers outside their marriages, and women are ridiculed if they complain in any manner against the sexist stance taken by men. Once again, neither the home nor the workplace allows an Italian woman any peace or a chance for her self-esteem to recuperate.⁵⁶

Both Dalit and Roma women face dual discrimination on the basis of both gender and the group/caste they belong to. The violence faced by them is because of the disbalanced socio-economic and socio-political equations. The fact that they have no voice is because of their socio-economic conditions as well as being women. Their backs are against a proverbial wall. They have no recourse. Raising their voice merely ends up creating a situation where they shall be recipients of violence.

Do they have any space to call their own? Where do they face violence? In public or in private? Hopefully, the following shall answer these questions.

VIOLENCE

Violence can be of various types- verbal abuse, physical abuse, emotional and mental torture (psychological violence), economic violence, social violence, cultural violence- the list is unending. Generally, no one type of violence exists alone. There are multiple types of violence

⁵⁶ Rodotà, Maria Laura, "Italian women have to fight sexism in every aspect of their lives"

The Observer, 20th September 2009, available online at <http://www.guardian.co.uk/world/2009/sep/20/berlusconi-italian-women-sexism> last accessed on 29th November, 2011

which happen at the same time. Discrimination, too, leads to violence, for it leads to stigma and trauma.⁵⁷

WHO ARE THE MAIN PERPETRATORS?

Whether it is with Italian Romani women or Indian Dalit women, the perpetrators can be put into two brackets: the State Actors and the Non-State Actors. The State Actors include all government officials, i.e. police personnel, medical personnel at government hospitals, school personnel at government schools, and any other people hired by the government of either country. The Non-State Actors include individuals who are outside the Romani and Dalit communities, sometimes acting collectively, sometimes individually, people within the community, such as paternal family as well as the in-laws.

The perpetrators of violence can take action anywhere- the Non-State Actors can do it privately (at home) and publicly (as in out on the road, in a marketplace, at a park, etc.) whereas the State Actors can perpetrate in all public areas and government properties (police stations, government offices, etc.). The security of life and right to privacy is all too fragile.

Majority of Dalit women have faced violence in public areas- even in women's toilets and bus-stands. Public physical assaults verbal abuse carry with them a semblance of individual and collective community punishment. Dalit women often feel that because they are Dalit, the

⁵⁷ Types of Violence and Abuse, available online at <http://www.gov.nl.ca/VPI/types/index.html> last accessed 29th November, 2011

violence meted out to them is more public than for those women who come from dominant caste backgrounds.⁵⁸

Also, considering the fact that a lot of Dalit women work in the unorganized sectors, such as daily wage earners, domestic help and so on, their workspace becomes the perfect place for perpetration of violence.

Police stations and government hospitals have also been the scene of violence, often sexual, meted out to Dalit women. Harassment, rape and molestation and forcible incarceration are typical of the violence perpetrated.

In India, the National Commission for Women has said that —in the commission of offences against... scheduled caste [Dalit] women the offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment, including sexual assault, parading naked, using filthy language, etc.||. Violence is used as a tool in order to subject Dalit women to subordination- an outcome of the caste system which magnifies the gender biases running through Indian society and culture. All this exists today despite the various constitutional guarantees and various laws protecting the rights of Dalits and women.⁵⁹ However, as Ruth Manorama points out, while there is collective violence against Dalit women from external sources, —sexual assault and rape of Dalit women and girls also occur

⁵⁸ Ibid. 54, page 8

⁵⁹ Ibid.53

within their own communities. For Dalit men, the suppression and rape of women could be a way to compensate for their own lack of power in society.||⁶⁰

STATE ACTORS

POLICE

In case of both the Dalits and the Romani people, the police often end up acting more as the perpetrators than the protectors. Being withheld without consent is also something that Dalit women have endured- the police often arrest them on false cases leading to detention and imprisonment. Here, the police system fails the people- either from a prejudice against women (especially Dalits) or from sheer negligence. The other type of incarceration is by individual perpetrators- employers, kidnappers, etc. ⁶¹

According to a field researcher who was conducting a study, —[m]any of them confessed to me after the interviews that they were forced by the police to do things that they did not want to. They have been psychologically and sexually abused and were unable to report these abuses because they were told that their brothers, fathers or other family members would be taken from the streets, forced into cars, then beaten up and kept in jail by law enforcement officers. These women felt they could not report such incidents because they felt that nobody would believe

⁶⁰ Manorama, Ruth, “Background Information on Dalit Women in India”, available online at http://www.rightlivelivelihood.org/fileadmin/Files/PDF/Literature_Recipients/Manorama/Background_Manorama.pdf last accessed on 25th November, 2011

⁶¹ Ibid.53

them because of the high levels of prejudice against them because they are Roma. They feel that Romani women cannot rely on anyone.||⁶²

Not only this, but other forms of Police violence take place in the form of strip searches by men in the middle of a public place, in total contravention to the law, wherein it is clearly stated that a warrant has to be issued to the accused, and that the strip search has to be conducted by a woman officer.⁶³ There was also an instance where the police personnel shaved off a woman's hair, shaming her publicly.⁶⁴ This is a shaming technique used on Dalit women as well.⁶⁵

Many a time, Romani women and Dalit women have gone to report cases to police stations, and have been turned away. This is nothing short of aiding and abetting violence.

MEDICAL AND OTHER GOVERNMENT PERSONNEL

Medical negligence is also something which doctors and nurses have allegedly done, through pressuring patients to go for surgeries which aid family planning, or being careless during such a procedure. There have been times when Dalit women in dire need of healthcare have been turned away by dominant caste doctors at clinics.⁶⁶

What can be worse is when one sees an infringement of rights going on, but doing nothing about it. Often, with Romani people non-Romani people come up and humiliate and assault at medical

⁶² Ibid. 24, page 4, paragraph 13, quote

⁶³ Ibid. 24, page 5, footnote 23

⁶⁴ Ibid. 24, page 5, footnote 24

⁶⁵ Jones, Rochelle, "Women with Disabilities- The intersection of caste and women's rights in India", available online at <http://www.dpiap.org/resources/article.php?id=0000375&year=&genreid=11>, last accessed on 25 November, 2011

⁶⁶ Ibid.53

facilities, but no one in authority takes their side. Even the police security take the side of the non-Roma, as was seen in a particular incident.⁶⁷

Unfortunately, Italy keeps the Romani population in a bubble such that they cannot access healthcare, or don't know how to access it due to lack of knowledge. Often the nearest healthcare facility is far from their home, generally a *campi nomadi* (nomad camp), which makes it all the more difficult. Moreover, if they are regarded as migrants, and sometimes even stateless, it becomes increasingly impossible for them to access anything at all. Long waits and poor treatment by the medical personnel is all to regular an affair. ⁶⁸

Public humiliation is all too common, with incidents like Suchitra Devi's, hailing from Ghaziabad in Uttar Pradesh, where she was told directly by a government rations' shopkeeper in front of other customers that she need not stand in the queue to get her goods when she could meet the shopkeeper privately at his home. She was pregnant at the time, and in the crowd, with all the jeering and shoving that ensued after the comment, she miscarried. Taking this to the village heads for justice, she was told that unless she could name the person who shoved her, they could do nothing about it. She thought it was her fate as she is a —bhangi||^{69.70}

NON-STATE ACTORS

For both the Dalit and the Romani communities being spoken about here, the Non-State Actors are much the same- people who don't belong to their group, as well as people who do. People

⁶⁷ Ibid. 24, pages 6, 15, paragraphs 20, 70

⁶⁸ Ibid. 24, pages 14-15, paragraphs 63-72

⁶⁹ A lower caste now included among the Dalits.

⁷⁰ Ibid. 54

who generally discriminate at the workplace or with the type of work being allotted are generally not from the group. When it comes to violence within the home, many a time, even if it is meted out by non-group members, it is instigated by a group-member on the basis of sub-group politics (in the case of Indian Dalits). With Roma people it is generally government induced.

ACCESS TO EMPLOYMENT

Dalit women are the lowest rung of the Dalit hierarchy. Primarily, recalling the traditional jobs that was meted out to the ‘untouchables’ in the caste system, Dalit women are still employed in sweeping roads, removal of human excrement, in scavenging and various other jobs in hazardous and unsanitary conditions. Neither do they get minimum wages as specified under labour laws, nor can they work within a man-day. On top of this, the patriarch of the household often feels that it is the man’s job to earn, and the woman’s job to keep home.⁷¹

With Romani women, the patriarchal obstacle comes into play as well. Husbands often do not allow their wives to go out and work. On top of that there is racial discrimination, where they are profiled off as Romani, hence unfit for the job. Women are more often in the unskilled labour industry, which is also unorganized. This leads to similar problems as faced by Dalit women- being overworked and underpaid, doing menial work, and so on.⁷²

ACCESS TO EDUCATION

⁷¹ “Unheard Voices- Dalit women”, report for Committee on the Elimination of Racial Discrimination by the Tamil Nadu Women’s Forum, available online at <http://imadr.org/en/pdf/CERD-India.pdf>, last accessed on 26 November, 2011

⁷² Ibid. 24, pages 10-11, paragraphs 43-47

Education remains a sticky issue across both the groups in question. Because of the patriarchal structure and the traditions and precautionary measures used to keep the respect of the family (see Child Marriage below), girl children are taken out of school at an early age, and sometimes they are not sent to school in the first place. They are expected to assist their mothers and take care of their brothers and sisters.

For the Indian Dalit women, violence often prevents the girls from continuing education—generally caste-based violence perpetrated at the school level, with scriptures laying down traditions which would subjugate women. Moreover, the question of economic accessibility comes is, with private school fees being unaffordable, and distances being formidable for a girl who is living in a group barely existing on the fringes of society.⁷³

Italian Romani women, much like the Indian Dalit women are prevented from carrying on their education, unlike 87% of the rest of Italy's women, who at least finish their schooling. They are kept back on cultural grounds and married off early, and if they are sent to school, many of them feel segregated and maltreated by the school authorities, which creates a reluctance for the children to go to school in the first place.⁷⁴

VIOLENCE WITHIN THE COMMUNITY

More often than not, a lot of violence stems from within the group. Generally the external factors are given more importance, and the internal factors get overshadowed. Violence within the community can be perpetrated by members within the family, i.e. parents, husband, siblings, and

⁷³ Ibid. 54, page 19,

Ibid. 71, pages 2-4

⁷⁴ Ibid. 24, page 12, paragraphs 51-55

by members of the larger group, who could belong to either the same sub-group or a different one. While there is not much of a hierarchical system within Romani sub-groups, Indian Dalits have a caste system within the Dalit Group, which makes some more dominant than others.

CHILD MARRIAGE

Child sex abuse is rampant both for the Romani as well as the Dalit people. A Romani woman who was interviewed said, —I got married at 16 years of age; I do not want my children to do the same. For example, at 13 you have to breastfeed a child when you yourself are a child and need to be thought of and followed by your mother. Traditions are fine except for this marriage issue.||⁷⁵ Not only is there child marriage, but there are virginity tests carried out. Those who fail the virginity tests have to face massive consequences, for they are already married, and their entire lives hang in the balance.⁷⁶

The problem in India is that Dalit women are often the target of kidnapping, leading to incarceration, molestation and even rape. Parents fear that their daughters would no longer remain worthy of marriage, especially in the states of Bihar and Uttar Pradesh, and hence feel it necessary to get rid of their obligation towards their daughter, getting them married off even at the tender age of five!⁷⁷ This abuse starts off pretty early with child marriages and sexual relations with minors from the Dalit community. Marriage below sixteen years of age for Dalit girls is pretty common.⁷⁸ A study revealed that over 70% of the respondents had married below

⁷⁵ Ibid. 24, page 10, paragraph 40

⁷⁶ Ibid. 24, page 10, paragraphs 41-42

⁷⁷ Ibid. 54

⁷⁸ Ibid. 54

the legal age of marriage in India, i.e. eighteen years out of which around 40% were married before they were fifteen!⁷⁹

Thus, it is not just a matter of tradition as in the case of the Romani people, but a matter of social pressure and a precautionary measure for Dalit parents.

VIOLENCE WITHIN THE HOME

The home is a very common place for a lot of violence- it could stem from family members as well as non- family members, who enter the home just with the motive of assaulting, verbally abusing, and even sexually harassing and assaulting. This infringement on their right to privacy is extremely common.

A Romani woman was faced with a similar situation in the camp where she was being housed—Law enforcement officials came to my container. They took me to the police station while my children remained alone at home. I was pregnant and they slapped me and did not want to free me. I reported this in front of the judge but the judge did not believe me. No one in my family could do anything because when the police are in uniform they are untouchable, they are always right.||

A Dalit woman's situation is hardly any better, with violence entering her home either in the garb of dominant caste men who want to grab hold of her land, or because she complained at the police station of some sexual advance. Often these dominant caste men mete out collective violence, drawing in men from the Dalit community in order to get away from the eye of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989. Moreover, there are sub-

⁷⁹ Ibid. 54

caste tensions because of which Dalit men often act violently with Dalit women. There have been situations where a Dalit woman has been accused of witchcraft, and some Dalits went and dragged her out from her house, beat her up, and then filled her mouth with human excrement.⁸⁰

Moreover, violence within a marriage is commonplace. Marriages happen so early that the women get conditioned when they are young girls that this kind of male-dominance and physical and sexual violence from the husband is to be expected and commonplace.

In the case of Dalits, violence often takes on a patriarchal angle- women are physically chastised because either they did not bring enough dowry, or the father of the wife does not meet the incessant demands of the in-laws, on accusations of being unfaithful, or snapping back at the husband, or sometimes on the basis of looks.⁸¹

With Italian Romani women, it is a matter of prioritizing whether the domestic violence faced by them is more important than getting out of a crowded campsite full of filth. Moreover, often their legal status as a citizen is questionable, and their marriages unregistered (as per the Italian laws), which makes it difficult for them to take any kind of recourse. The police often don't respond to their requests of intervention, which makes it all the more problematic.⁸²

PROSTITUTION

⁸⁰ Ibid.53

⁸¹ Ibid. 54

⁸² Ibid. 24, pages 8-9, paragraphs 30-35

While the Italian Romani women have not complained of enforced prostitution as per the study⁸³, in India, it has often been the recourse to sexual violence.

Prostitution is often the only recourse left to many of the Dalit women who have been sexually exploited by people within their families or even outside their communities, for they have nowhere to go. This often becomes the typical story for a rape victim- an instance of which is the story of Uma Kumari. Twenty-four years old, this Dalit woman from Bihar was raped by a man of a dominant caste (not necessarily an upper caste). On reporting this to the police, she and her mother were assured that they would catch the culprit as soon as possible. Instead what happened was this- the perpetrator and ten of his men dragged the mother and daughter to a nearby gully, and gang-raped them for eighteen hours, and left with death threats.⁸⁴

Sexual violence not only takes the form of these women being targeted specifically, but also as enforced prostitution, such as through the practice of giving one's daughter to a temple to become a 'Devadasi' (temple-slave) or 'Jogini' (woman-meditator). Religious sanctions towards this kind of prostitution make it morally allowable for their parents to dedicate their daughters to the temple goddesses at a very young age.⁸⁵

⁸³ Ibid. 24. It is noteworthy that while the women who were used as a sample population here did not reveal any sex-work occupation, Romani people living in other countries are often thrust into prostitution, sometimes wittingly, sometimes unwittingly.

⁸⁴ Ibid. 54, page 5

⁸⁵ Ibid. 54

Ruth Vanita says that —[t]he Devadasi system of temple prostitution is the most extreme form of exploitation of Dalit women. Dalit girl children are forced (in)to prostitution.||⁸⁶

ENDING IT ALL

Is it possible for all this violence to end? If yes, where does it have to start? Inside the hearth, or through Governmental strictures? No matter what the Government states, if the society at large is ignorant of the laws, and behaves in a way which goes against the constitutional morality of a country, action needs to be taken in order to make sure that the constitution is upheld within a democracy.

⁸⁶ Ibid. 56

NEED OF THE HOUR

No country today has a perfectly homogenous population. If the people are of a mixed character, there are bound to be social differences, ethnic or cultural variations, political discords, economic rivalries and historical antagonisms.⁸⁷

While many of the needs of the situations are the same for both Italy and India, the first step that Italy needs to take is acknowledge the Romani populations who have been living in Italy for hundreds of years as full-fledged Italian citizens, belonging to a minority, who are not nomads.

Firstly, a census needs to be conducted to find out exactly how many people there are. It is estimated that there are about one hundred and fifty thousand Romani people in Italy, out of which half are Italians.⁸⁸ The other half is in a state of —legal limbo|| ⁸⁹, regarding employment, housing, healthcare and more⁹⁰. More information is required in order to find out what is needed.

Secondly, an advocacy plan needs to be made wherein the Italian people are made aware of their neighbours, and what their rights are which are being infringed upon by the Italians by acts of discrimination and violence.

⁸⁷ Shakir, Moin, "Electoral Participation of Minorities and Indian Political System", Economic and Political Weekly, Vol. 15, No. 5/7, Annual Number (Feb., 1980), page 221, available online at <http://www.jstor.org/stable/4368369> last accessed 28th June, 2011

⁸⁸ Ibid. 24, page 2, paragraph 4

⁸⁹ osservAzione, Imperfect Citizenship: Research into patterns of racial discrimination against Roma and Sinti in Italy, June 2006, available at: http://www.osservazione.org/documenti/OA_imperfectcitizenship.pdf. last accessed 5th November, 2011

⁹⁰ They have their birth certificate, but do not have legal residence and thus cannot have either identity card or passport. In order to gain legal residence, a foreigner is supposed to have a residence permit (*permesso di soggiorno*). Without this, neither legal residence, nor driving license nor access to social welfare is given. See: Legge 91/1992 of 5 February 1992 on citizenship, AVAILABLE AT:

http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/cittadinanza/legislazione_30.html last accessed 5th November, 2011

Thirdly, efforts should be made to come up with a body of laws which protect women and marginalized populations. In the case of Italy, considering the fact that there is neither, the country should come up with legal protection for women's rights immediately, and then it may decide on how to treat the marginalized populations and aid them exercise their basic rights. After all, —it is never possible for well-meaning people to give rights to other people, it is only possible to assist people to exercise their own rights...||⁹¹

Fourthly, safespaces are required for Romani women to go and speak to counselors, take refuge from violence, either domestic or external, and get free legal aid.

Fifthly, the Italian Parliament should look into the various reasons for treating the Romani people in Italy as a minority, considering the fact that they have a distinct culture and language of their own, irrespective of the fact that they don't have any historic geographical territorial claims.

Sixthly, there should be special reservations for Romani girl children in schools, and incentives should be given to them in the form of free uniforms, books and food in order to encourage the parents to send them. If the parents don't have to bear the additional cost of education, it will be easier for them to be convinced that education is a way out.

Seventhly, the Italian Government needs to take cognizance of the fact that women are dually marginalized within marginalized communities and have special needs. Community consultations should be held to find out what those needs are and figure out a way of giving them that.

⁹¹ Rorke, B., Aryeh Neier in conversation, "Roma Participation Program Reporter, Budapest", Open Society Institute 1998, pages 34-35

Eighthly, the Italian Constitutional Court should read the tenets of the Constitution and expand their scope to include the protection of women from violence as a fundamental right, and the inclusion of women from ALL segments of society in political parties.

Ninthly, capacity-building drives should be carried out in order to make the Romani women aware of their rights under the European Union and the Italian Constitution, as well as those who are their end-service providers, such as schools, hospitals, etc.

Lastly, all new policies should have a gender protective angle.

With India, having that battery of law as we have seen above, there is much scope to streamline it and actually make it implementation-worthy.

Firstly, who is to implement the laws? There should be bodies run by women, with representation from various Dalit groups so that they can look into aiding and empowering women with legal knowledge.

Secondly, the government has to reach out to the grass-root level, where most of the discrimination and violence happens. The larger urban areas generally host a large migrant population today, which makes it less of a scene for caste-based discrimination. Moreover, India being the kind of country it is, seldom can a man from the north provinces make out the caste of a man from the south provinces. While with men, there are certain caste indicators, such as a sacred thread for the Brahmans, there are no such specifically identifiable indicators for women.

Thirdly, safehouses and safespaces need to be created for female victims of caste-based violence. It is important for them to have legal recourse, and not to be suppressed in telling the tale of their woes.

Fourthly, while many programmes are going on for the upliftment of women, and promotion of the girl child, it is important to include a programme for the mothers of these girls. Often they are discriminated against for having given birth to a girl- for many people, across castes, a girl child is seen as a bad investment- her parents raise her, and then she marries someone and goes away, leaving the father a pauper because of the dowry he had to pay.

Fifthly, there should be complain booths in hospitals and other public facilities in caste-sensitive areas with women police officers around, who should be sensitized to the kind of discriminations faced by Dalit women.

Sixthly, the government should undertake efforts to identify those who have utilized the positive discrimination measures and achieved mainstream status, referred to as the —Creamy Layer||.

Often, these people keep on utilizing the positive discriminatory facilities because they have knowledge of what is available. Many illiterate Dalit people don't even know that there are free seats at schools, colleges and universities across the country for them.

Lastly, there should be a concerted effort by the government to induce more Dalit women to become self-dependent by aiding them to start businesses on their own, or form women's cooperatives. Training should be imparted to them, so that those who are unskilled, and those who might be working as scavengers and rag-pickers can have a chance at absorbing new skillsets and improving their lot in life.

The abovementioned points are not even close to the number of things which need to be done to empower the Dalit women and the Italian Romani women. However, this could be a good starting point, especially for Italy.

CONCLUSION

It is a complicated process to undo hundreds of years' old traditions of violence and discrimination. The lacunae in both the systems is clearly in front of us- and the answer is simple. It is like schooling a child for an extra two hours a day so that she catches up with the rest of the class- then you stop giving that special attention, but at the same time a few cursory checks should suffice to see whether she is falling behind again.

While the process was started off earlier in India, thanks to India gaining independence in 1947, the process is yet to start with Italy. It is important to start, no matter how slowly. It might take years to veer public opinion to the right side, but it is required.

However, as has been seen in the case of India, is granting the legal status of minority or special category enough? It has been seen time and again, that despite such legal status being in place, political representation is not there⁹². India had to create reservations in order to make sure that such political and social representation took place (which ended up creating a creamy layer).

Reservation is a tool which can be used to repair centuries of damage due to discrimination and violence, sweeping across political parties, social classes, castes and divisions. However, they cannot exist alone. Along with this is required reformation of the system- not time-bound, but a dynamic approach in order to get rid of the ||embedded patriarchy|| in political parties and sensitise other members towards the need of including female members, that too from

⁹² Sobotka, Eva, "Political Representation of the Roma: Roma in Politics in the Czech Republic, Slovakia and Poland", Research Policy Paper for the Centre for Policy Studies at the Open Society Institute in Budapest, Hungary, 2002, page 8

marginalized populations. They should not become dolls in the hands of the male members either from the body, or from the society at large⁹³.

When building a nation, it is important to keep minorities at the center of politics. Their problems cannot be tackled piecemeal, for if it starts festering, it becomes a problem not at a national level but at an international level.

The approach should be take women within the minorities garb and empower them to exercise their rights. While this is being done, automatically their families around them will benefit- whether it is reaching out towards healthcare or education, or reaching out towards political participation, keeping in mind that the patriarchal nature of these groups will keep the men at work, the women can play an essential role in bettering the lives of their families from inside out.

⁹³ Ibid. 1, pages 5, 6

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