



Project no. 881970

Between Inclusion and Re-Inclusion: How to deal with Roma offenders

(ROMA OFF-IN)

WP 2 – Data Collection and Ethnographic Research

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Research Methodology

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**Between Inclusion and Re-Inclusion: How to deal with Roma offenders
(ROMA OFF-IN)**

The Research Methodology

WP 2 – Data Collection and Ethnographic Research

I. INTRODUCTION

The project is co-funded by the European Commission through DG Justice under the contract no. 881970. The duration of the project is two years. This Research Manual is referring only to WP 2 – Data collection and ethnographic research.

ROMA-OFF-IN is a multi-sited research project. Data collection will be conducted in three places simultaneously: Romania, Bulgaria and Italy. ESC will be responsible for coordinating this activity.

The overall aim of this workstream is:

1. To conduct an in-depth study in the national legal norms concerning resocialization and the national policies for the social reintegration of offenders. Special attention will be awarded to norms, strategies and policies focusing on Roma reintegration in contrast with the European standards, as they are described in EPR, CPT Reports or ECtHR case law.
2. To develop an advanced understanding of the re-entry process from the subjective perspective of prisoners themselves with a special focus on Roma prisoners. The processes, interactions, meanings and conflicts involved in re-entry in Romania, Italy and Bulgaria context will be examined comparatively and from the point of view of Roma

prisoners.

The focus of this project is the treatment of Roma prisoners. We use the term 'Roma' in line with the definition of the Council of Europe:

*"The term 'Roma' used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies."*¹

In practical terms, we will use the highest standards of research by taking the self-identification strategy. In other words, we will include in our samples only Roma participants who self-define as Roma.

II. COMPILER THE STATE OF THE ART

This activity will be divided into three main parts:

- The national legal and policy context on the reintegration of Roma (ex)prisoners
- A literature review
- A database with national and international standards on the treatment of prisoners belonging to different ethnic groups, in particular for Roma prisoners.

II.1 THE NATIONAL LEGAL AND POLICY CONTEXT

This section will describe the relevant legal and policy context in each country regarding the Roma (ex)prisoners reintegration.

The analysis will start with the national policies and strategies and will continue with the relevant legal norms that apply to Roma (ex)prisoners reintegration. It is highly likely that Roma (ex)prisoners are not mentioned explicitly in these documents. In this case the authors will describe the general inclusion framework applicable to Roma in general, mentioning that there is not special provision applicable to Roma (ex)prisoners.

A section will be devoted to highlight the European standards and how they apply to the national context.

II.2 THE LITERATURE REVIEW

¹ Council of Europe Descriptive Glossary of terms relating to Roma issues (2012). Available at: <https://rm.coe.int/1680088eab>

The literature review will be conducted in each country and will look for research reports, evaluation reports and other sources that speak about the treatment of Roma prisoners.

Inclusion criteria:

1. Literature and research reports
2. Evaluation or administrative reports (e.g. Ombudsman reports, CPT reports on the country etc.)
3. Reports made by Roma organizations themselves
4. Published since 2010

Exclusion criteria:

1. Documents published before 2010
2. Documents published by right wing or other extremist groups.

When searching for the relevant literature the following keywords will be used alone or in combination, in the national language: Roma, Gypsy, prisoner, inmate, Roma inclusion, Roma reintegration, ex-prisoner etc.

A clear record will be kept as to what databases (e.g. SAGE, Social Science Index etc.) or search engines (ex. Google) were used, with what keywords and with what outcomes:

Example:

Google – keywords ‘reintegrarea romilor’ generated a number of 136.000 results out of which 20 were considered relevant for this review.

Each national report will end with a final concluding chapter on how the treatment of Roma is reflected in the literature in that particular country.

II.3 A DATABASE OF INTERNATIONAL AND EUROPEAN STANDARDS CONCERNING ROMA REINTEGRATION OF (EX)PRISONERS

University of Florence will conduct a thorough screening of the existing international and European standards relevant for the reintegration of the Roma (ex)prisoners. Both scenarios will be included: Roma prisoners and Roma ex-prisoners.

United Nations, Council of Europe and European Union documents will be taken into account in order to clarify what are the standards and the best practices regarding the treatment of Roma (ex)prisoners.

III. ORGANIZE ACCESS TO THE PRISON



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Each partner will request access to the prisons and prisoners in written. The letter will contain details about the project, the research and the ethical aspects that we will observe all the time (ex. confidentiality, voluntary participation, self-identification of Roma participants etc.).

It is essential that each prison included in the research will nominate a contact person that will liaise with the researchers. It is essential that a close relationship is formed with that person.

IV. CARRY OUT THE RECRUITMENT AND THE SELECTION OF THE PARTICIPANTS

At least two prisons will be included in the sample in each country – one for men and one for women.

All prisoners in these two prisons who have less than 6 months until release (conditional release or full release) will be informed about the study. This can be done either by placing posters in the main access points in the prison, or by using the prison radio or other forms of communication.

Those interested in taking part in this study will be invited to fill out the questionnaire presented in Annex 1 (Selection questionnaire). This questionnaire will allow the research team to gather more information about the prisoner and also to elicit his/her ethnic identity.

Roma prisoners will be invited to a more in-depth interview where more information about the study will be delivered, and informed consent will be collected (see Annex 2 – Informed consent form).

A participant fiche will be completed for each participant (see Annex 3 – Participant fiche).

Important!!

It is of utmost importance that the researchers will develop strong alliance with the prisoners while they are in prison. Trust and bond will be the main reasons they will stay in touch with the researchers upon release.

20 Roma men and 20 Roma women will be selected to take part in the study. Most probably some of them will drop out during the follow up period. This is the reason we suggest having a larger sample in order to finish with at least 30 participants after 10 months (30 participants being the project requested sample).

The selection will be based on the first come first served principle.

However, the researchers will do their best to construct a diverse sample: short sentence-long sentence, released in a city-released in a village; with or without children; young and senior age etc.

V. CARRY OUT THE FIELDWORK

V.1 THE THEORETICAL FRAMEWORK

The research methodology is based on an ethnographic design where researchers will ‘immerse’ themselves into the life spaces of the prisoners. The main research methods will be observation, in-depth interview and photography.

The main theoretical framework is phenomenological. From such a perspective, there is no single objective reality; rather, there are many realities constructed by participants in the social lives. This framework allows researchers to be open and ‘dive’ into the participant’s perceptions and understandings without prejudice.

Furthermore, this framework will allow researchers to use grounded theory as a tool of data collection and analysis. Starting the research with no or only general assumptions about the investigated population will facilitate researchers to take an inductive approach where the theory will be constructed based on the specific empirical data, themes and codes. The use of so-called ‘inductive probing’ will allow researchers to clarify expressions or understandings and facilitate participant story-telling.

The main research question is: How do prisoners understand the release and re-entry process at different stages, and how do different ways of conceptualising re-entry impact on the process?

Besides this main question, a number of subsequent questions will be addressed:

1. How is the release process understood defined by prisoners pre and post release?
2. Are there any structured strategies for re-entry (any coping strategies that ex-prisoners employ to succeed)? If yes, how are they organized pre and post release?
3. What are prisoners' expectations pre-release and to what extent are they confirmed?
4. Who are the main actors (people and institutions) involved in the re-entry journey and what role do they play?
5. What obstacles to successful re-entry are identified by prisoners?
6. What strategies do they employ to deal with the obstacles?
7. What resources do prisoners use in the re-entry process?
8. How does hope and agency progress during the re-entry process?
9. What is the relationship between the prisoners and the State?

V.2 DATA COLLECTION

Data collection will be conducted based on:

- **Observation** – during the pre-release stage, in the first day of release, during the periodic interviews (see Annex 4 for the Observation protocol). Social settings, behaviours, actions and interactions will be observed. The ‘thick description’ concept (Geertz, 1973) where the actions and the interactions are situated in the local framework is central in the observation process. The ethic (non-participatory) form of observation or the passive participation form (‘fly on the wall’) is favoured. Taking detailed field notes is essential. They can be taken during the visits, in the breaks or immediately after the interview. Each field note will contain:

- Date
- Name of the participant
- Name of the researcher
- Place of the observation
- Observations
- Final thoughts & Preliminary Interpretation

- **In-depth semi-structured interviews** - will be applied:

- at the beginning of the
- once the conditional release or the full release was approved in the prison (in the last week)
- after one week from release
- after one month from release
- after three months
- after six months

The interview protocol will follow themes like: definition of the prison experience, definition of the release, expectations after release, expected difficulties, sources of help, plans, relationship with the State and self-identity.

All interviews will follow the same interview protocol (see Annex 5 for the Interview protocol). Interviews after release will take place, if possible, at the participant’s house.

Each interview should not take longer than one hour.

A further research tool is possible, not mandatory:

- **Photovoice** - the ex-prisoners will be required to take pictures of their everyday life. A disposable camera will be given to each of them under the condition to take pictures in the first month of release. In the one-month interview, they will be asked to select the pictures most relevant for the first month after release. They will be encouraged to take as many pictures as they want but after one month, they will have to select 10 the most representative picture for the whole month. Researchers will print the pictures and assist the selection process. The selection process is an individual one. An adaptation of photovoice (photo eliciting) (Wang and Burris, 1997) strategy will be used in data analysis. After selection, the researcher will discuss with the prisoner:

- o a general description of the picture – by the participants

- o why was that picture selected?
- o why is that picture important?
- o who is in it?
- o how was the picture related to the other parts of that day?

All interviews and picture-based discussions will be recorded and transcribed verbatim.

In case the person is under the probation supervision, the probation officer responsible will be informed about the study.

Pictures from Facebook or other social media could be also used to elicit what seems to be important for the ex-prisoners in the first month.

VI. DATA ANALYSIS AND INTERPRETATION

Since most data will be of textual nature, data analysis will follow the thematic analysis approach. The process will take the following structure:

ANALYSIS STAGE A: REDUCTION OR BREAKDOWN OF TEXT

Step 1. Code Material

- (a) *Devise a coding framework*
- (b) *Dissect text into text segments using the coding framework*

Step 2. Identify Themes

- (a) *Abstract themes from coded text segments*
- (b) *Refine themes*

Step 3. Construct Thematic Networks

- (a) *Arrange themes*
- (b) *Select Basic Themes*
- (c) *Rearrange into Organizing Themes*
- (d) *Deduce Global Theme(s)*
- (e) *Illustrate as thematic network(s)*
- (f) *Verify and refine the network(s)*

ANALYSIS STAGE B: EXPLORATION OF TEXT

Step 4. Describe and Explore Thematic Networks

- (a) *Describe the network*

(b) Explore the network

Step 5. Summarize Thematic Networks

ANALYSIS STAGE C: INTEGRATION OF EXPLORATION

Step 6. Interpret Patterns

(from Attride and Stirling, 2001: 391)

In the first stage, the researchers will work independently to identify the codes (or the basic themes). Once the codes will be determined, they will be clustered into themes (or organizational themes) and then into theories (or global themes). As new raw material will be generated, the process will be repeated until all codes will be included into the final theory.

Findings from the interview will be compared and contrasted with findings from the pictures and observations.

As for the coping strategies, based on the open questions inserted in the interview protocol we will be able to identify the stress, the conflict and the strategies the informants employ to deal with them.

At the end of the research, we expect to find out:

1. How is the resocialization process experienced by the Roma men, women offenders?
2. What are the difficulties in this process?
3. What are the discrimination situations experienced by the Roma offenders?
4. What are the main sources of help that could be mobilized to support the reintegration process?
5. How the Roma offenders see the role of State and communities in the re inclusion process (empowerment).

Based on these answers and on the data collected, a set of best practices will be selected by each partner.

VII. DATA RECORDING

Each researcher will be allocated a number of participants to work with.

Each participant will have a folder where all the information will be kept (consent forms, interview transcribed, observation field notes, maps etc.). All these data will be safely stored in a special place by each partner. Electronic information will be kept on the computers under password protection.

VIII. MORE ETHICS

During tracing or interviewing, the researchers will protect the identity of the participants and the confidentiality of the information. Disclosure will follow the national legislation in each participating country.



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When searching for the participants, the researchers will not disclose to the third parties the reason why the participants are contacted.

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Wang, C and Burris, M.A. (1997) Photovoice: concept, methodology, and use for participatory needs assessment *Health Education and Behaviour*, 24 (3): 369-387.

ANNEX 1

THE SELECTION QUESTIONNAIRE

QUESTIONNAIRE FOR PRE-RELEASE PRISONERS

Instructions

This questionnaire is part of the wider research that tries to understand better the position of the prisoners after release. This questionnaire is collecting only general information about the prison population about to be released in the next four months.

Your answers will be treated with maximum confidentiality. Nobody but the research team will have access to this completed form. Your honest answer is very important to us.

General

1. Name of the prison _____
2. Name and surname _____
3. Age _____
4. Time estimated to conditional release _____ (months)

Personal background

5. The occupation of the grandfather (the father of your father) _____
6. The occupation of the father _____
7. Your own occupation before conviction _____
8. How many children did your grandfather have? _____
9. How many children does your father have? _____
10. How many children do you have? _____
11. What languages did your grandfather know? _____
12. What languages does your father know? _____
13. What languages do you know?

14. What is your ethnic origin? _____



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Participation

15. If asked, would you be willing to take part in a creative study that will try to understand the perceptions, difficulties and the resources of the prisoners after release?

Yes, in principle

No, in principle

If yes in principle, please tell us:

17. What was the length of your sentence? _____ months

18. Where is it likely to live after release? _____ (the village/city name)

19. Do you have previous convictions?

Yes No

If yes in principle, the research team will provide you more information about research, its methods and how the confidentiality will be ensured.

Thanks.



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ANNEX 2

INFORMATION FOR PARTICIPANTS

The ROMA OFF-IN is a project aiming at understanding better the realities and the opinions of people newly released from prison. In this respect we are interested in how you understand the release process, what are the obstacles you face when you are released, who are the people or the institutions that are important to you and so on. The final aim is to advise authorities on how to help ex-prisoners in a more effective way. The project will allow you to communicate back to the authorities how you feel the prison experience and the release process has impacted your life.

To achieve the research aims, we need to run several interviews with you: one when you are still inside and four after you have been released: one after one week, one after one month, one after three months and one after six months. The interviews will last about one hour each time. If an interview in person for some reason is difficult in practice, interviews can be done on Skype or via email.

In the same time you will be given a camera that you can use to take pictures of what you think is important for you in the first month. After a month we will meet and decide which pictures are the most important for you. Discussions will follow based on those pictures.

In the first day of release you will be met by a researcher who will accompany you for the first few hours post-release to better understand the challenges of the first day.

The information obtained in this research is strictly confidential. Only the research team will have access to this data; it will not be made available to the correctional services or any other state or non-state agency. The research conclusions will be presented on a website, at research conferences and in research articles. Under no circumstances will identity of the participants be disclosed. However, if the research team will learn about a crime that put in danger the life of a person, there is a legal obligation to report to the police.



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You can choose to participate in this research or not. If you choose to take part in this study, you can always choose not to answer all the questions. You can also withdraw from the project at any time with no explanation needed.

If you have any questions regarding this research you can contact the project leader:

If you are so kind to accept our invitation to take part in this study, please complete and sign the attached consent form.

Thank you.



The consent form

I, _____, residing at the following address after release _____ understand the details of the research project 'ROMA OFF-IN' and agree to take part in it.

I also understand that the research team will always protect my identity.



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Signature

Date



ANNEX 3
THE PARTICIPANT FICHE

1. Name and Surname
2. Date of birth
3. Tel. number
4. Address he is likely to be found after release
5. Alternative 1 contact person (wife, parents, friends etc.)
6. Tel number
7. Address
8. Alternative 2 contact person





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9. Tel. number

10. Address

If these people come for visit, it is recommended to contact them prior to release.

ANNEX 4

THE OBSERVATION PROTOCOL

Note !

If any behaviour seems untypical please ask the participants why they did what they did.

Pre-release (during the 'befriend period' and interviews)

1. The participant's behaviour

- friendly / hostile
- anxious to be released/enthusiastic /optimistic

- high/low energy (your impression)
- talking about release a lot? (any signs of the 'anticipated socialization'?)

2. Interactions

- interactions with other inmates
- interactions with staff
- interaction with family members/ friends from outside (when they come and visit, if any).

When they come to visit inform them about the research and how they will be asked to participate.

- is the prisoner close to any particular member of the family? is that member likely to exert a pro-social or an anti-social influence?

3. Identity

- does the prisoner present himself/herself as an offender or as someone ready to start a new life/identity?

The day of release

1. The participant behaviour

- Level of energy (your impression)
- Emotional state (your impression)

2. Interactions

- Who come to welcome him/her at the gate?
- What people s/he meets that day?
- Who seem to offer emotional support??
- Who seem to play a crucial role in the return for the participant? what kind of influence they are likely to exert?
- Who offers housing, financial, employment or other sorts of support?

3. 'Walk through the spaces'

- What is the map of movement?
- Where is he going first? (ask why this was first)
- Short description of the visited spaces. Please pay attention to the existence of vandalism, damage property, homes run down and litter/rubbish in the neighbourhood.

During the follow-up interviews and photo-based discussions

1. The participant behaviour

- Level of energy (your impression)
- Physical appearance (dressing, shaved, clean etc.)
- Hopeful or not
- Observe body language

2. Interactions

- With whom s/he seems to interact with? what sort of influence they seem to have? (pro-social, anti-social)
- Whose opinions seem to be more important?
- What are the most important interactions for the participants? (pro-social or anti-social)
- Is there hostility in 'the air'?

3. Social space

- Short description of the space and the people in it. Please pay attention to the existence of vandalism, damage property, homes run down and litter/rubbish in the neighbourhood.

4. Identity

- Is s/he presenting himself/herself as a new person or s/he seems attached to his ex-con identity?
- Is s/he talking much about his/her prison experience? or s/he systematically tries to avoid the 'prison talk'?

ANNEX 5

THE INTERVIEW PROTOCOL

I. Pre-release

Demographics



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1. Name and Surname
2. Age
3. The moment of the interview – pre-release, after the first week etc.

The understanding of release and narrative identity

4. What meant prison for you? (the idea is to capture how and to what extent prison experience impacted on his/her identity/perceptions)
5. How would you describe release? What does that mean to you?
6. If you would compare the release with something else what would be that?
7. If someone would ask you who are you? Or How would you describe yourself?

The expectations

What do you expect after release?

Do you think you will return to prison? Why?

Do you think it will be difficult to stay out of trouble?

On a scale 1 to 5 how sure/optimistic you think you are to stay out of trouble? Where 1 not likely and 5 very likely.

Do you expect any obstacles in staying out of trouble?

What do you plan to do once released? (general plan)

Who can help you put this plan into work? (what are the resources he estimates to put in place)

Do you have concrete plans for accommodation?,

Finances?

Employment?

Medical treatment?

II. Post-release

Demographics

1. Name and Surname

2. The moment of the interview – pre-release, after the first week etc.
3. Place

The understanding of release

4. What happened after release until now? Or Tell me the story of what happened after release.

(issues to follow: was it difficult, was it easy, what went well, what went wrong, how was the initial plan and how realistic was it – check with the answers in the pre-release stage)

Difficulties & resources

5. What were the difficulties you faced after release? Or What was hard after release? What was the hardest?
6. How did you deal with them?
7. Who helped you? Or Were there any people in particular who helped you? How did they help you?
8. Did you interact with any State institutions (e.g. employment agency, police, social services etc.)? if so, how was the experience?
9. Did you ever feel mistreated or discriminated against? If so, please describe.

Identity

10. If someone would ask you who are you, what would you say? How would you describe yourself?

Expectations for the future

What are your plans for the future?

Do you think you will succeed in staying out of trouble? (not reoffend)

If yes, why?

If not why?

On a scale 1 to 5 how sure/optimistic you think you are to stay out of trouble? Where 1 not likely and 5 very likely.

What can help you stay out of trouble?

III. If they reoffend

Demographics



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1. Name and surname

2. Place

Reoffending story

3. How long have you been out?

4. What happened after release?

5. How would you explain reoffending?

6. Check if the expectations were confirmed (compared with the first interview)

7. Who or what helped you when you were out?

8. What were the obstacles? which one was the main one? discrimination?

Identity

9. How would you describe yourself?

Future plans

10. What are your plans for the future?





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ETHNOGRAPHIC RESEARCH REPORTS

- 1. ITALY**
- 2. ROMANIA**
- 3. BULGARIA**



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Between Inclusion and Re-inclusion: How to Deal with Roma Offenders (ROMA OFF-IN)

Work package 2: Ethnographic Research

ITALY

Introduction

- **Methodology employed**

The research methodology is based on an ethnographic design where researchers will ‘immerse’ themselves into the life spaces of the prisoners. The main research methods will be observation, in-depth interview and photography.

The main theoretical framework is phenomenological. From such a perspective, there is no single objective reality; rather, there are many realities constructed by participants in the social lives. This framework allows researchers to be open and ‘dive’ into the participant’s perceptions and understandings without prejudice.

Furthermore, this framework will allow researchers to use grounded theory as a tool of data collection and analysis. Starting the research with no or only general assumptions about the investigated population will facilitate researchers to take an inductive approach where the theory will be constructed based on the specific empirical data, themes and codes. The use of so-called ‘inductive probing’ will allow researchers to clarify expressions or understandings and facilitate participant story-telling.

The main research question is: How do prisoners understand the release and re-entry process at different stages, and how do different ways of conceptualising re-entry impact on the process?

Besides this main question, a number of subsequent questions will be addressed:

1. How is the release process understood defined by prisoners pre and post release?
2. Are there any structured strategies for re-entry (any coping strategies that ex-prisoners employ to succeed)? If yes, how are they organized pre and post release?
3. What are prisoners' expectations pre-release and to what extent are they confirmed?

4. Who are the main actors (people and institutions) involved in the re-entry journey and what role do they play?
5. What obstacles to successful re-entry are identified by prisoners?
6. What strategies do they employ to deal with the obstacles?
7. What resources do prisoners use in the re-entry process?
8. How does hope and agency progress during the re-entry process?
9. What is the relationship between the prisoners and the State?

- **Language**

All interviews have been conducted in Italian, except in cases in which the person spoke no Italian (only one case). In this case, the interviewer have been supported by cultural and linguistic mediator. When a cultural and linguistic mediator was not available in prison or outside the prison, the researcher have been assisted by a fellow prisoner or parent of the interviewee speaking Roma language.

- **Selection of participants (how many, demographics – gender, age, education, urban/rural, length of the sentence - how many lost on the way – potential reasons – sampling difficulties etc.)**

One of the most interesting features of working on Roma prisoners in the Italian prison system, is that when selecting the sample of Roma prisoners, we haven't been able to have the support of the prison administration, since Roma people are not recognized as a minority *per se*, as already highlighted in the National Report.

In the Sollicciano, Gozzini and Massa prisons, the prison administration does not recognize the specific minority and is not able to indicate who identify as Roma. As a consequence, we have decided to propose the Selection Questionnaire to the generality of prisoners and to follow a pure self-identification perspective, in line with our Methodology. At the same time, particularly in the prison of Sollicciano we have acknowledged a sort of

informal way of classification and identification. As a matter of facts, all Roma prisoners (also self-identified as Roma) are allocated in the same section of the prison. We have discovered this fact only after the Selection Questionnaire and after interviewing the first participants.

We have been told by the same prisoners that it was a practice of the administration to allocate all Roma prisoners in the same section. It must be considered that it is a common (and critical) informal practice of the prison administration to collect all prisoners of the same national and ethnic origin in a same sector (cell or section) of a prison institution. We will discuss this practice in the focus groups with the prison administration, but it seems that a sort of administrative identification is informally conducted, at least in order to allocate the prisoners. It is interesting to note that we have not been told so, when discussing the selection procedure with the administration.

Change in the initial choice of prison institutions.

How many: 21 women-20 men (30 participants being the project requested sample).

Considering the gender factor, our research and the methodology we adopted has a specific gender perspective, focusing on the differential approach to the male and female sample. For this reason, we will proceed with a differential analysis of the two samples:

a. Male sample

Prison Institutions involved in the research:

13 men in the Sollicciano prison (District house), 1 man in the Prison of Gozzini-Florence (open custody prison institute) and 6 in the prison of Massa Carrara (prison house).

The average age of the male sample is 41 years. The youngest is 26 year, while the oldest prisoner is 57 year, with a prevalence of male prisoners in their thirties.



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Concerning the citizenship: almost half of them are born in Italy (9 out of 20), but only few of them have the Italian citizenship. The other half are born in Kosovo (4), Romania (2), Macedonia (2), Croatia (1), Serbia (1) and Bosnia (1) and they have the relative citizenship.

Concerning education: few of the person in the sample have the entire school cycle completed.

The only subjects in the sample who completed at least a school cycle did so within the juvenile penal system, more specifically inside Juvenile prison institutions.

Only one person in the sample has completed the entire compulsory school cycle, outside the juvenile criminal system. One person is illiterate (the Romanian one) and speaks almost no Italian (he only speaks Romanian and Roma language).

Concerning occupation: for the most part, the men involved in the research are engaged in the classic job of collection of metals and resale of copper. Among the other jobs are mechanic, gardener, mason, carry. Some other (only one) affirms to have never worked in his life.

The majority of the sample have always lived in a nomad camp in Italy, in various region of Italy: Tuscany (Florence, Pisa, Livorno), Lombardia (Milan). Many of these camps are situated around big or medium cities. Some of them have recently obtained a house through the social housing scheme (2 persons).

Concerning length of sentence, the sample presents sentences going from 1 year to 7 years maximum. Crimes vary from theft, robbery to mistreatment and attempted involuntary manslaughter.

A very relevant factor of our sample is the recidivism rate. Almost all of the participants (90%) are recidivists, sometimes for the same crime (mainly theft and robbery).

At the beginning of the research, the persons involved were 20. The initial sample of 20 have been reduced due to different reasons. The main reason for abandoning the research program has been the transfer to a different prison for administrative reasons. Some

others have dropped the research program once out of the prison, in this case the person didn't know where to go and what to do after prison and didn't answer the phone.

The sample difficulties derive mainly from two issues: the administrative choice in terms of transfer of prisoners. In this case, all decisions on transfer of prisoners are taken by the Italian prison administration without any explanation or forewarning. The transfer can derive from a disciplinary sanction or from simple organization and accommodation issues (in a penitentiary system endemically affected by overcrowding in almost all institutions these issues are an everyday practice). This resulted in a very difficult situation in terms of keeping the relationship and the contact with the prisoners. Also, the possibility of accompanying the prisoner during the release day has proven almost impossible, since the exact release day is not known in advance (for security reasons, as the Administration has explained to us) by the same prisoner. Another very important factor in terms of difficult calculation of the release day is the judicial decision on the early release. These decisions can arrive at the very last moment, making the exact release day even more unpredictable.

On the other hand, the post release phase has been considerably affected by drop out, because of the specific post release path of our sample.

In particular, participants in the research showed a high level of uncertainty in the family and social network outside of the prison, as we will explain in detail further on. Most of the participants in the research have no clear notion of the place (housing, family, territory) they will go back to.

b. Female Sample

4 women in the Sollicciano prison (District house), 17 women in Rebibbia, female Institution.

The average age of the female sample is 39 years. The youngest is 26 years, while the oldest prisoner is 67 years, with a prevalence of female prisoners in their twenties.

Concerning citizenship: few of them (only 7) are born in Italy, but only three have Italian citizenship.

The others are born in Romania (5), Bosnia (5), Kosovo (1), Bulgaria (2), Serbia (1) and they have the relative citizenship, except for one who is (informally) stateless (born when Kosovo was part of former Yugoslavia).

Concerning education: very few of the persons in the sample have the entire school cycle completed.

As in the male sample, the only participants who completed at least a school cycle did so within the juvenile penal system, more specifically inside the Juvenile prison institution.

One person is illiterate (the Bosniak one), in particular she started the literacy course in prison and she expressed her joy and enthusiasm in the same ability to sign our form. She is able to speak basic Italian.

Concerning occupation: Differently than for the male sample, most women participating in the sample affirm to live out of mendicity. Only one person made reference to a formal job, with a regular contract of employment in a cleaning company (in France, not in Italy). Some say they are housewives. Some others say that they do not work on a regular basis, but they sometimes “work in flea markets (faccio i mercati)”.

The majority of the sample have always lived in a nomad camp in Italy, in various regions of Italy: Tuscany (Florence, Pisa, Livorno), Lazio (Rome), Campania (Naples). Many of these camps are situated around big or medium size cities. Some of them have recently obtained a house through the social housing scheme (3 persons).

Concerning length of sentence, the sample had sentences varying from 1 year to 4 years maximum. One participant has a cumulation of offenses of 8 years of imprisonment.

Typology of crimes in the female sample shows considerably less variety than the male sample: all participants were sentenced for thefts or/and robbery.

One very relevant feature that differentiates the female from the male sample is the fact that the sentence is executed long after the commission of the crime. This finding is particularly relevant when considering the specific regime (suspension of the execution) and alternative measures possibilities for women with children (see more *infra* when we discuss the issue of alternative measures for mothers). We can speculate on the predominance of suspension measures compared with the alternative measures for women with children...

Interestingly enough, the recidivism rate is around 80%.

- **The research team – any with Roma/minority background?**

The research team includes Giuseppe Caputo, project Director, Sofia Ciuffoletti, researcher and Maria Cristina Frosali, researcher. No Roma background researcher are included in the team, but two female researchers have been able to highlight and substantiate the gender perspective, particularly concerning female prisoners and former prisoners.

- **Data analysis and interpretation**

Our male and female sample offers, though limited, offers an interesting point of view on the conditions of prisoners with Roma background in Italy, differentiated partly in view of the gender perspective. The adopted focus on the gender perspective and comparative analysis based on this point of view is able to offer a very relevant analysis of the different phenomena involved in the prison experiences and rehabilitation patterns of prisoners of Roma background in Italy.

What differentiates the male sample from the female one is the fact that male participants in the research appear more integrated in the outside society. This is particularly true

considering the past employment experience and ability or confidence in the finding of a new job after release. Most men, participating in the research, used to work, even if mostly informally. They also feel more confident in the possibility of being supported by the solidarity of their community. At the same time, they seem to be more independent from family responsibilities (such as the maintenance for children and spouses or other family members, elderly or young) and therefore free to choose what to do after release, where to go and eventually how to sustain themselves.

On the other side, the female sample shows a less integrated and supported approach to the post release time. Particularly, many of them have children and the responsibilities of other family members. These responsibilities appear a clear and constant thought in their prison experience, able to mark (positively but also negatively) the organization and programming of the post release. This is evident when talking about employment and relocation. A significant number of our female participants relocated (or are planning to relocate) in a foreign country after release because of the need to follow the family, particularly children. This is due to the fact that the family and the children generally moved in a foreign country after the imprisonment of the care-giver (i.e. the mother), in order to join other family members, usually other women (aunts, grandmothers, cousins), able to perform the same role of family care-givers. This situation leads to a vulnerabilization of the ability to program and sustain a post release path based in the same territory (municipality, region or even country) where the penalty is executed. Even more so considering the phenomenon of de-territorialization of the penalty for women in Italy. As a matter of fact, in Italy only 4 female prison institutions exist (Trani, Pozzuoli, Rome and Venice) and 44 female sections in mixed prison institutes. Confronted with the specific Italian territory, this means that many female prisoners execute their sanctions far away from the territory where they have their social, family and economic ties.

What seems to be a constant, both for the female and male sample, in the possibility of employment and ability to have a successful post release experience is the discriminatory effect. Both the female and male sample affirms to perceive to have been discriminated



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against and to potentially be discriminated against in the future research for a job and, generally speaking, in inter-private relationships. What is different is the kind and level of discrimination. The female sample is and perceive to be a victim of intersectional discrimination.

The concept of intersectional discrimination, which originated within feminist thinking (CRENSHAW, 1989) is based on the idea that in a condition of disadvantage, the stratification of degrees of progressive discrimination is more than proportionally focused on the least protected and most socially and economically exposed persons. In this context, women and foreigners suffer the highest levels of discrimination (SEN, 2001).

In short, the phenomenon of intersectional discrimination appears more insidious than that of multiple discrimination (in which multiple discrimination factors manifest themselves in a case of discrimination against the same person), because the co-presence of discrimination factors does not simply increase the likelihood of discrimination, but each factor is capable of reinforcing the other in a mechanism of discriminatory self-generation (FREDMAN, 2016).

Interestingly enough, the recidivism rate is exceptionally high both for the female and male sample. Both females and males have prior experiences of incarceration, even in the Juvenile prison system. This is another relevant factor, since the Italian Juvenile Criminal system offers a high level of diversion systems and alternative measures to detention (so that only about 380 are present in the Italian juvenile prisons), so the fact of having past prison experiences among persons of Roma origins as juvenile is particularly meaningful for our research and tell a story of early contacts with the prison system which is probably one important factor to explore in a future researches.

Another interesting element of comparison is offered by the fact that many male participants are born in Italy, while the female participants show a higher level of mobility due, as we have already noted, to the need to follow the family. As many female participants told us, they moved to Italy to join their spouse's family house and

community. This is also a possible relevant factor in order to interpret their lesser integration and socialization and the low level of solidarity within their community.

Another common element is the fact that, generally speaking both the female and male participants speak romanì (in addition to many other languages) and are proud to speak romanì, making the language one very important identity factor for both samples.

- **The prisons involved in the research**

The prisons involved in our research are the district house “Firenze Sollicciano”, the open custody prison “Firenze Gozzini” and the prison house located in Massa, for the male sample; the district house “Roma Rebibbia” and the female section of the Firenze Sollicciano prison, for the female sample. Each prison has some peculiar features.

1. Firenze Sollicciano (female and male sections)



Sollicciano prison is a district house located in the suburbs of Florence. Together with Prato, Sollicciano is one of the biggest prison in Tuscany. The prison consists of two large



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male sections (criminal and judicial), a men's mental health facility (ATSM) and a women's section. As of September 30, the prisoners were 490, including 50 women. Nearly 63% of prisoners are foreigners. The percentage of foreign detainees is therefore very high, especially when compared to the national percentage of foreign prisoners: in Italy, nearly the 30% of inmates are foreigners.

Concerning the staff, according to the data available on the Ministry of Justice's website (https://www.giustizia.it/giustizia/it/dettaglio_scheda.page?s=MII174720), there are 475 prison police officers. Out of 11 educators planned in the staff plan, there are currently 8. Also, despite such a large presence of foreign detainees, there is only one cultural mediator.

The work of the cultural mediator was essential for our research: both for the selection of the sample and for the organization of the prison admissions and interviews.

Concerning the **female section in the Sollicciano Prison**, as of Sept. 30, there were 50 women detained. After the closure of the women-only facility in Empoli in 2016 and the women's section in Livorno in 2011, the Sollicciano and Pisa prisons remained the only places to house women inmates in the Region. Thus, there is no women's prison in the Tuscany region. Today there are four exclusively female prisons in Italy: Trani, Pozzuoli, Venice Giudecca, and Rome Rebibbia. The remaining women prisoners are in the 52 women's sections in men's prisons.

2. Firenze Gozzini (male prison)



The Firenze Gozzini institute is an open custody prison institute located next to Firenze Sollicciano prison. The institution opened in June 1989 as the first open custody institute in Italy, with a pilot project that has since spread to the rest of the nation as an advanced prison model.

According to the number of the Ministry of Justice, the prisoners, as of sept. 30, were 76 (https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST446492).

Concerning the staff working inside the prison, there are 43 prison police officers and 3 educators. Again, collaboration with the three prison educators was crucial in organizing our research and discussing the results. In particular, one prison educator, who has a Ph.D. in sociology and a research experience on religious belief as a ground for self-identification in prison, brought her very interesting and valuable perspective during our focus groups.

3. Massa Prison house (male prison)



Massa prison house is located in the centre of Massa, a Tuscan village near the coast. This prison is intended to house inmates with heterogeneous penitentiary programs, mostly final inmates sentenced to medium-long sentences. It is traditionally characterized by a strong treatment vocation and an open internal penitentiary regime, which is its strong point. The institute is mainly characterized by treatment activities, with work being particularly relevant: it involves about 60 percent of the inmates, with a real company that produces blankets and sheets for Italian penitentiary institutions (https://www.giustizia.it/giustizia/it/dettaglio_scheda.page?s=MII178085).

As of Sept. 30, the prisoners were 219. There are 120 prison police officers, and 4 educators, out of the 5 planned. For our research we interfaced with one of the educators, who helped us in selecting the sample, distributing the questionnaire and finally setting up the meetings and interviews.

4. Roma Rebibbia (female section)



Finally, the **district house Roma Rebibbia** is the largest of the four women's prisons in Italy and one of the largest in Europe. As of Sept. 30 there were 345 inmates, out of 2.498 which is the total number of women prisoners in Italy. The institution, located in Rebibbia, which is a district of the city of Rome, houses both medium and high-security female inmates and is divided into eight sections, including a nursery section dedicated to female inmates with children. The two largest sections are the "Camerotti" which houses women prisoners awaiting trial, and the "Cellular," which houses women prisoners sentenced to final custody. As of Sept. 30 there were 345 inmates compared to a regular capacity of 275. The institution is therefore overcrowded.

Concerning the staff, there are 196 prison police officers, 6 educators and one cultural mediator, who has been our reference throughout the project.

PART I: The pre and post release experience

- **Pre-release experiences:**
 - The subjective in-prison experience:

The perception of the prison experience by the participants need to be discussed with a differential approach comparing the female and male sample.

In general, the prison experience is perceived as a negative moment (“prison is a tomb”, “prison is a nightmare”).

Men consider the prison as a parenthesis in their life and are more focused on the post-release moment.

Women, on the other hand, are concerned with the issue of the external world, particularly with the family and children relationship. They consider the prison as a disproportionate sanction for their crime (usually theft: “it is not drug dealing, it is not murder, it is a simple theft”). They share a common experience of injustice (“For me to be in here is a very serious thing, especially for our children. It's true that we made a mistake, we regretted it, but we can't take it anymore. I have six children, the youngest is 10 years old”, “prison is too hard for a mom”).

Despite the undeniable level of suffering caused by imprisonment and distance from family, for some Roma women prison paradoxically represents a moment of emancipation from their role as wives and mothers. Prison is sometimes the very first moment in which they can think of themselves, away from the family that is often the scene of oppression and violence by family members. Emblematic is the case of D.S., an illiterate Roma woman who, having entered prison for the first time at the age of 55 after having lived all her life in Italy in a caravan, when asked "what does prison mean to you?" answers, "prison is like

a school: no one hurts me, I'm quiet, even the officers are quiet with me, I go to get my medicine (...) it's like a school only I miss freedom". M.V., a mother of six children, after reiterating that being away from her children is a huge suffering adds, "however, I go to school every day, and that is a good thing. Now I am about to take the eighth grade exam". The same is true for B.R.: "for me, prison was not a time...bad yes because I miss my family but they behaved well with me, I went to school, I did activities. But when you don't have family everything else is useless. The staff always behaved well with me. It was also helpful because for example I didn't know how to speak Italian so well before I entered the prison".

H.Z., attended schools in prison and did many activities: "when I entered I was in pain, I was crying (...). I weighed for my son, whom I was breastfeeding. I was suffering for my son because I left him while I was breastfeeding him. I was afraid that my husband would not make it with my children also because he is sick. However, there is also a positive side: they gave me support, the inspectors, the assistants gave me so much support. Even the female inmates. We have to help each other. The school helped me so much, the teacher gave me so much strength, she was always smiling. She would take us out to the garden, talk to us and comfort us. In prison I took eighth grade, then I went on to high school".

While for someone prison might paradoxically be a time to learn something (such as how to speak or write), for others it is nothing more than a transition from one suffering (life outside) to another suffering (life inside), which is sometimes even less afflictive and heavy than the first.

H.R. is an homeless Sollicciano inmate, in the interview she tells how entering prison made her see how tragic the family situation was outside (domestic violence by her husband, war in her country that caused her to lose many family members, persecution by her husband). Prison was a time of escape from suffering, but not of serenity: it marked the transition from one kind of suffering to another. This is also why release has never been easy: "I was never happy to get out of prison". S.E. does not have a fixed abode either. He was born in Fiesole and calls himself a Florentine Roma. Speaking about prison he says,

"The problem is not the prison, the problem is outside. Here I have four walls and a piece of bread. Outside there is nothing".

– Difficulties

As a general issue, many participants are concerned by the irregularity of their stay in Italy. This is true for men and women alike, even when they are born in Italy, as explained above, they can still be considered as foreigners if they have not obtained citizenship after turning 18 years old. So their main concern in prison is to be able to regularize their position. At the same time, it seems like the imprisonment constitutes the first time they actually think about how to actively engage in the regularization bureaucracy.

It is very interesting to note that, in some prisons involved in the research, particularly in the Sollicciano, Gozzini prisons, specific social help-desks (organized by NGO and financially supported by European or domestic schemes) are active. Many of the participants in our research have been supported by this help-desk. This social help desk is active for the implementation of social benefits, administrative issues, access to social welfare etc... It is relevant to consider that the fact of being followed and supported by this help-desk in prison can be the way to be taken in charge by the territorial social services outside of the prison. This can be considered as an active best practice, in particular when the help-desk is linked and connected with social services, trade unions, NGOs outside of the prison.

The main difficulties for women is the fact of being separated from the family, in particular by their children. This is particularly relevant since some of them are stripped of parental responsibility by force of a judicial act (of the Juvenile Court) or as a consequence of their sentence (in Italy there is a specific additional penalty of the suspension or loss of the parental responsibility: article 34 criminal code). Sometimes this can result in the children being entrusted to a foster family, making it even more difficult to retrieve a significant relationship with them.

The main difficulties for men seems to be the uncertainty of their situation outside of the prison.

- Discrimination experience – how is it understood by the participants?

Almost all the participants describes their life outside the prison as being characterized by phenomena of ethnic discrimination (“Italians do not trust us”, “It is difficult to find a job, if you are a tzigan (zingaro)”, “Persons do not trust us”).

They perceive themselves as being stigmatized and sometimes connect their stigma to a specific bodily appearance feature or to the “power of the name”: ““My last name is an obstacle to getting a job, there's no use denying it: they hear **** and discriminate. Like ***** , these last names make it difficult. Because there are prejudices”.

The same goes for people who live in a place commonly associated with a nomad camp (“I was from 1993 until 7 years ago at the Poderaccio camp, until the municipality gave us a house. When they gave us the house, real life opened up for us: we live in a house that is no longer on 'Via del Poderaccio’ For work is much better because you are not a gypsy from the camp but you are a person like any other who pays the bills and goes to work. We all lived attached there: there were those who drank, those who messed around, and those who didn't feel like working. Having a house now on this new street means recognizing that we are not all the same, that everyone has their own way”; “Housing was a problem: inside the camp there were gypsies working, dealing. My father worked but near us they were stealing and so when we said we were from that area no one would take us to work”).

For this reason, many consider themselves lucky to have an Italian name or physical appearance different from that commonly associated with Roma people: if you can "pass for italian", you can more easily bypass prejudices, stereotypes, and discrimination reserved for Roma people (so-called *passing* phenomenon): "My luck is that I have an Italian first and last name and therefore people do not know me as a Roma person", "I have never felt treated differently from others. No one takes me for Roma, they take me

for Spanish, Sicilian. I have neither the physical appearance nor the gypsy accent"; "They don't take me for Roma, because of my physical appearance and then because I speak Florentine".

One female participant referred to a very interesting case of institutional direct discrimination, outside of the prison context. She was with her husband bringing their "blonde nephew" (he was a child at the time) to get something at a bar. Suddenly the police came in and brought the three of them to the police station, questioning them for 5, 6 hours and also called the juvenile social services, because they thought that the couple had stolen the baby. They only released them after their daughter (the mother of the child) arrived and showed the birth certificate to the police.

At the same time, the question of the "tzigan pride" is particularly present. Some of the participant (both men and women) consider the fact of belonging to the tzigan civilization as an important identity feature and the fact of being discriminated against is perceived as a significant deficit.

One participant when confronted with the question "have you ever felt discriminated against?" answered "no, I am proud to be Roma". Afterwards, however, he added that he is aware of discrimination against them as a group (the Roma in the camp): in 2010 many people went to challenge the nomad camp of Carrara, where he lived with his family. From his phone, he plays on youtube a video that shows a newspaper article stating that residents are threatening to set fire to the camp "Enough with the nomad camp. We will set it on fire," and interviews with local residents and municipal representatives who say "Roma continue as usual to steal, the camp should be closed." The participant's comment to this statement is interesting: he does not deny that there have been thefts, he does not deny that Roma steal, he says "it is not us from "Lavello" (Roma camp in Carrara) who go to steal, those who steal come from outside." As if the discriminatory statement is in itself correct but directed at the wrong Roma. It is the same point made by the participant's grandmother interviewed in the news report: "those who mess up come from outside, not

from here. Our children go to school, kindergarten. We work with iron. We don't go and steal".

- Do research participants understand what discrimination is? What emic understanding of discrimination do they have?

In prison this level of perception is, somewhat, diminished. Inter-private discriminations are an everyday reality for most of our participants, while institutional discrimination seems to be less visible or present for their perception.

Institutional discrimination are defined by the UNAR Glossary as discrimination that occurs "when a public body or any other institution fails to provide an appropriate and professional service or provides a rule or regulation that is prejudicial to a particular category of people, institutional discrimination occurs. The main characteristic of this form of discrimination is that it takes place impersonally through regulations, procedures and practices'.

The main negative characteristic of institutional discrimination is the amplification of the phenomenon of normalisation of discrimination. In fact, institutionalising discrimination, i.e. making it the ordinary practice of public bodies, whether national or local, blurs the ability to perceive oneself as a discriminated subject. It is a phenomenon of inversion of perception whereby the first subjects entitled to 'perceive' the discriminatory situation are not the victims, but the workers and operators working in the anti-discrimination field and, due to a principle of proximity to the source of discrimination, the public workers and operators working in administrations or local authorities.

The non-perception of discrimination on the part of victims derives, in fact, from the simple principle of the trust that individuals place in the legitimate actions of institutions and public administration. Thus, if a competition notice, a social benefit, a public notice do not include a category of persons on the basis of citizenship, the foreign citizen will have as his first reaction that of trusting in the good faith of his exclusion. This is a high

level of persuasion, unaffected by suspicion of private interests and difficult to overcome without the intervention of an operator.

Hence the inversion of the percentage rate between perceived and relevant discrimination, which is high in interpersonal discrimination and low or even negative in institutional discrimination. That is to say, paradoxically, there is much more pertinent and legally relevant discrimination in institutional discrimination than is perceived (and reported or reported) at a personal level by victims of direct or indirect discrimination. The possibilities for rebalancing the relationship between perceived and relevant in the field of institutional discrimination lie mainly in the activism of the operators who, on the basis of their peculiar experience and technique for recognising potentially discriminatory situations, search, within their area of competence, for the contexts (private and institutional) in which the production of discriminatory phenomena is likely.

In this respect, the fact of being taken in charge by a social help-desk can be an important way in order to bring out possible phenomena of institutional discriminations.

- Post-release expectations - plans, hope etc.

A relevant difference between the male and female sample is the fact that 5 female participants clearly and expressly affirms to be willing to go away from Italy at the end of their execution. This seems to be always linked with the idea of joining back their family (even if in the majority of cases, the family is not in their country of origin, but more often in another European country, e.g. Germany, France). In this perspective, almost all of the female participants expect to reunite with their family, either in Italy or abroad.

Plans are usually linked to the possibility of regularizing their status (in Italy or abroad), also in order to find a job and maintain the family.

Men, on the contrary, seem to be more rooted in Italy, even if they appear less certain in terms of family ties. Only one of male participants clearly affirms plans to move to Spain

after release. This plan is linked with the idea of stigma, not particularly referring to the fact of being Roma, but rather to the social stigma of being a former prisoner.

– Identity – who are they?

All of the participants identify as Roma. This identity affirmation and self-identification is always linked with a territorial/nationality statement (“I’m a florentinian Roma”, “I’m a Bosniac Roma”, “Albanian Roma(very interestingly this statement comes from the stateless female participant who is in fact born in todays Kosovo)”). Sometimes they declare that they feel “More Roma than Italian” or “More Roma than Italian” or “Half Italian, half Roma”.

What is very interesting concerning identity and self identification is the fluidity of these definitions. Some participants said that they feel “more Italian, in this moment”, when they were inside the prison.

Some of them directly affirms what they called their “Tzigan Pride”: “I am proud to be *zingaro*”, rejecting the label of Roma: “I am not Roma, I am *zingaro*”.

Generally speaking, most of the participants, both men and women, define themselves as *Zingaro/a*, not necessarily rejecting the word Roma as bad or hetero-imposed, just declaring to be *zingaro/a* as matter of fact.

One female participant made a very interesting remark on the fact of being assimilated as a second generation Roma in Italy: “We are not the real zingari, we are just a second generation...my family used to work as boilermakers, they made pots, they had horses, cows and chickens, they were craftsmen, they made these things and sold them in all the markets they found in the villages. They were the real, original gypsies; we, on the other hand, are fakes”. And she also connects the fact of being “fakes” to the same imprisonment: “If I had lived at that time I would not be in prison now. I would have done the job my parents did”. Many other participants share the same view of their ancestors as brave and good craftsmen, building their own future.

- **Release experience:**

Release is always dominated by the unpredictability described above. Many participants share the anxieties derived from this uncertainty, since they can't really make plans, warn the family in advance or be completely prepared.

A very interesting finding of the research among the female participants is the fact that almost all of the persons imprisoned in the Rebibbia institute affirms to have a high esteem of the Surveillance judge who granted the alternative measures to them.

As already affirmed, the lack of documents seems to be one the most important source of anxiety in the post-release phase. Many of the participants continued to ask for our help and support in order to obtain some level of formalization of their stay in Italy.

As one of the participants said: "Once I am free, I will never be free until I have a regular life. I would like to take my son to school, go to work, and go for a beer. Now when they stop me they take me to the police station because I am not legal, even though I was born here. The first patrol that passes scares me. I am not serene".

For the most part, during the release, participants were not accompanied.

For the most part, the female participants have a clear idea of where to look for help after the release, i.e. to join their children, with mixed results. One of our female participants, after release, tried to join their children, trying to look for help from each of them. First she went to Rome to one of her daughters, then Naples (where another of her children lives and where her husband is imprisoned), finding no possibility of help or stay. Only after she decided to go to France (Marseille) to finally join another of her children who lives there. She found hospitality and support there and is now trying to find employment there with the help of her daughter.

Both female and male participants express a common view on the prison experience: the inability of the prison system to build effective rehabilitation paths. On the contrary, the prison experience is described as a further factor of social stigma leading to a sort of backlash effect:

“I feel like they are sending me back. Whenever the end of the sentence approaches, the feeling is always that of being 'back to square one'. I am afraid of being catapulted out and going from nothing to everything. When I go out of prison I am all strange, agitated... Outside is a big mess. When I was out of prison in the past I was younger and less tired, and still found myself with my bare ass on the ground (...) I came out and they told me to make do. I managed quite a bit, but after a while I collapsed”.

“Prison either makes you better or worse, in my case it confused me. It confused me because after so many years of always seeing people like me here on the inside, outside is very different. I got used to a world that is not the real world, it is virtual"(...) Until recently it seemed to me that prison was the virtual world, now it seems to me that it is outside the virtual world (...) Getting out is very nice, liberating but at the same time frightening, because it feels like living in a world that is not real”.

"They talk a lot about social reintegration, but it doesn't exist. (...) I got out after 11 years in jail and I had no job, I had nothing, you get thrown out and "have a good life!". Prison should give you an opportunity to build a job outside, at least one gets out and knows where to go. I have a 28-page criminal record, who will take me to work if I don't build a job and an opportunity from inside?”.

“I have been in prison four times. When you finish your sentence, what do you have to do? I ask myself this question and I would like to ask them (ed. note by them she means the municipality, the state, the social workers): can you imagine that in all these years I have always worked here inside the prison, always, I have never given up a day, I have never been rude. I have always worked. Why can't I do it outside? I tried to ask for help from the municipality, from social workers. Always doors in my face”.

- **Time frame of the post-release:**

- Routines – what did they do, what seemed to be the priorities

As already said one of the most fragilizing factors of the post release, for both the female and male sample, is the lack of knowledge of the exact day of the release. The counting of the days and time left to spend in prison is one of the main activities for every person deprived of their liberty and the anxiety of not knowing when this day will be is a source of anxiety and uncertainty for all the participants in our research. This is also the reason why they appears to be alone in their release day and they can't make plan with their family or with us.

The post release scheme seems to be divided into two main paradigms.

One group of participants has no idea of where to go and what to do after release, so they end up reconnecting with us after they have found a sort of stability.

The other group is formed by participants (mainly women) who try to reconnect with their family. Interesting is the case of a female participant who after release, directly took a train for Germany where the whole family (husband and 10 children) relocated after a long stay in Italy (and during her execution). We were able to keep in contact with her.

- Sources of help

Almost everybody declare that family and friends constitute the main source of help. Within the female sample, a high number of participants affirm to rely on NGOs active in the territory, particularly the NGO Comunità di Sant'Egidio in Rome. This is true for

material help (food, bureaucratic issues, finding jobs). This NGOs seems to be particularly active in the Roma community and recognized as a valid source of help and support in a non discriminatory way.

None of our participants (neither male or female) declare to look for the help and support of the institutional body.

One male participant said that, after release, he tried to contact the territorial SERD (Public Social Service for Addictions), but it seems like he was not taken in charge by the Service. He was disappointed and didn't try again. He is now living his post-release experience with an addiction to alcohol and cocaine.

- Discrimination experiences – how is understood, how they reacted?

As mentioned earlier, participants feel strongly discriminated against in interprivate relationships and, in particular, in finding work or housing.

After leaving prison, the discrimination associated with being Roma is compounded by the stigma arising from having been in prison. Thus, it can be said that the prison experience, from the perspective of our participants, does not facilitate but rather complicates social integration, increasing and amplifying discrimination against them.

Many participants state that they feel discriminated against whenever they go to public offices to obtain benefits or to regularize their documents (particularly at police headquarters or employment offices).

One participant, in the post-release interview, tells us how she feels treated with condescension and mistrust every time she addresses a public office: "we are discriminated because we are Roma and then because of the criminal record, in the offices they treat us badly, they have no respect for us". It is also for this reason that the participant decided to move to Germany, where "there is less discrimination" than in Italy.



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In the post-release experience of our participants, it is also clear that the fact of being recognizable as a Roma person somehow increases the likelihood of being stopped or checked by officers ("The policemen who arrested me were the ones who arrested so many people in the camp. Almost the whole camp knew them and there was a lot of rivalry. These policemen know us, they know we are from there: when they see us and know we are from the camp they treat us all the same, without making distinctions. There is a prejudice of these people"), or of being charged with a crime that was not committed: "Outside when you go begging there is a risk of being blamed for crimes you did not commit. The policeman take you to the barracks and they often write things that are not true, they write what they want. This is discriminatory: they blame me because I am Roma".

PART II: Best practices and discriminatory practices in Roma reintegration

- Best practices

Social Help desk:

It is very interesting to note that, in some prisons involved in the research, particularly in the Sollicciano, Gozzini prisons, specific social help-desk (organized by NGO and financially supported by European or domestic scheme) are active. Many of the participants in our research have been supported by this help-desk.

This social help desk are active for the implementation of social benefits, administrative issues, access to social welfare etc... It is relevant to consider that the fact of being followed and supported by this help-desk in prison can be the way to be followed by the territorial social services outside of the prison. This can be considered as an active best practice, in particular when the help-desk is linked and connected with social services, trade unions, NGOs outside of the prison.

- The discriminatory effect (negative impact of discriminatory practices)

As already said, one of the most interesting feature of the Italian penal system seems to be a formal “Blindness toward the Ethnicity”. At the same time, we have identified a relevant (and informal) practice (at least for the male sample) to allocate together all prisoners who are perceived (and ultimately also self-identifies) as Roma by the Prison Administration.



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We need to discuss and evaluate the scope, intention and results of this practice in the focus groups with the prisoners and with the prison administration.



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PART III The gender perspective

1. Introduction and human rights law on women in prison

The gender perspective was one of the main analytical trajectories of our study, as already exposed above.

As a matter of facts, the analytical understanding of the discriminatory effects towards women in prison have been assessed using a theoretical framework based on international human rights law.

Traditionally, general International Human Rights treaties adopt a universalistic approach to human rights and are therefore considered gender neutral. This neutrality is only apparent, since international law is a gendered system due to the male organizational and normative structure of the international legal system². Charlesworth, Chinkin and Wright offer an interesting perspective, demonstrating how the traditional public/private dichotomy based on gender³ allows issues of particular importance for women to be ignored or underestimated. Their analysis also deconstructs traditionally accepted notions in International legal instruments—such as torture and human dignity—decodifying the male, rather than truly human context in which they are embedded.

For the purpose of this study, it is important to note that general International Human Rights treaties are neither gender neutral nor prison oriented. One interesting exception is represented by the ICCPR (U.N. International Covenant on Civil and Political Rights): Article 6(5) expressly refers to pregnant women, stipulating that death penalty

² As illustrated in Charlesworth, C. Chinkin and S. Wright, cited, at 615 and 625-634.

³ See also Carole Pateman, "Feminist Critiques of the Public/Private Dichotomy", in S. I. Benn & G. F. Gaus eds., *Public and Private in Social Life*, St. Martin's Press, New York, 1983 and L. Imray, A. Middleton, "Public and Private: Marking the Boundaries" in E. Garmanikow and J. Purvis, (eds), *The Public and the Private*, St. Martin's Press, New York, 1983.

shall not be carried out on pregnant women⁴. This provision paved the way for the motherhood-oriented paradigm for the protection of women in prison.

As a matter of fact, the general framework of international legal instruments for the protection of women in prison is designed to consider female specificity in a motherhood/biologically-oriented perspective, reading all other sociological aspects of female imprisonment under the lens of the universal nature of human rights in prison. Therefore, it could be argued that women in prison should be able to enjoy the protection of human rights, albeit with restrictions that are unavoidable in a closed environment⁵. This framework should work based on specific anti-discrimination provisions, as is the case with many international tools⁶, in order to reduce potential gender inequalities in the protection of prisoners and their rights. This legal structure, based on the fallacy of the universality of human rights, rests on a highly problematic premise: identical treatment in prison means treatment tailored to the needs of the male prison population.

⁴ U.N. International Covenant on Civil and Political Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49) Article 6(5): "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women".

⁵ Several international soft-law instruments confirm the statement that prisoners continue to enjoy all rights compatible with detention. Principle 5 of the United Nations Basic Principles for the Treatment of Prisoners (1990) states: 'Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and [...] United Nations covenants'. The United Nations Standard Minimum Rules for the Treatment of Prisoners (1957) affirms in Rule 57 that 'the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation'. The same principle has been reaffirmed by Rule 2 of the European Prison Rules 2006: 'Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody'. More specific is Principle VIII of the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas (2008)⁸: 'Persons deprived of liberty shall enjoy the same rights recognized to every other person by domestic law and international human rights law, except for those rights which exercise is temporarily limited or restricted by law and for reasons inherent to their condition as persons deprived of liberty'. And in the Kampala Declaration on Prison Conditions in Africa (1996) the second Recommendation on Prison Conditions declares 'that prisoners should retain all rights which are not expressly taken away by the fact of their detention'. Furthermore, those regional instruments demand, in various formulations, that the suffering inherent in imprisonment shall not be aggravated by the regime in prison. Rule 5 of the European Prison Rules 2006 even specifies: 'Life in prison shall approximate as closely as possible the positive aspects of life in the community'. This, along with the fact that these soft law principles have largely been affirmed in the international and regional case law on the main human rights conventions contribute to make a case for the hardening of soft law in this context.

⁶ Such as Art. 3 ICCPR, Art. 3 ICESCR, Art. 2 ACHPR, Art. 1 ACHR, Arts 1 and 2 ASEAN Human Rights Declaration, Art. 14 ECHR, but also Art. 15 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

International treaties specifically designed for the protection of women's rights appeal to the anti-discrimination dimension of human rights and women's rights. In particular, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) makes no reference to women in prison, but constitutes a basis for implementing positive measures in order to guarantee the full development of women⁷. Again, these provisions aim at rights protection based on the protection afforded to the dominant group (Article 3: "...on a basis of equality with men").

General international tools for the protection of prisoners' rights used to include instruments specifically designed for women in prison. The 2015 UN Standard Minimum Rules for Prisoners (the Mandela Rules)⁸, the 2006 European Prison Rules (EPR, drawn up by the Council of Europe)⁹, and the 1990 UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). The EPR and the Mandela Rules contain provisions relevant to women in prison. First of all, allocation: female prisoners must be detained separately from men according to Rule 18.8 EPR¹⁰ and Rule 11 Mandela Rules¹¹. This separation dogma¹² is tied to the notion of vulnerability, assumed as a *status quo* in the interpretation

⁷ See Article 3: U.N. Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979: "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

⁸ Introduced for the first time in 1955 and last reviewed in 2015, when they were dubbed "the Mandela Rules".

⁹ Adopted for the first time in 1973.

¹⁰ Rule 18.8: "In deciding to accommodate prisoners in particular prisons or in particular sections of a prison due account shall be taken of the need to detain:

a untried prisoners separately from sentenced prisoners;

b male prisoners separately from females; and

c young adult prisoners separately from older prisoners"

¹¹ Separation of categories, Rule 11: "The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus: (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;"

¹² See A.Dias Vieira, S. Ciuffoletti, Section D: a Tertium Genus of Incarceration? Case-study on the Transgender Inmates of Sollicciano Prison, *Journal of Law and Criminal Justice*, December 2014, Vol. 2, No. 2, pp. 209-249 ISSN: 2374-2674 pp. 209-249, p. 2010: "The social space of the prison, along with the military and with public toilets, is regarded as one of the sites in which mandatory binary sex segregation has persisted throughout history", directly referring to Cohen, David S. "Keeping Men 'Men' and Women Down: Sex



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of the relationship between men (aggressor) and women (victim) in prison. Interestingly enough, in the 2006 version of the EPR, this absolute separation dogma has been mitigated by exceptions “in order to allow prisoners to participate jointly in organised activities, but these groups shall always be separated at night unless they consent to be detained together and the prison authorities judge that it would be in the best interest of all the prisoners concerned” (Rule 18.9 EPR).

This slight softening of the absolute gender separation rules appears crucial, if we consider the fact that in prison institutes designed for men, women are often allocated in separated sections with considerably little access to activities and treatment offered to men.

The two instruments mentioned above take a biological-differential approach to all other aspects of female imprisonment, addressing the “special needs” of women in prison: female hygiene (EPR, 19.7: “Special provision shall be made for the sanitary needs of women”), women’s special needs (EPR, Women, Rule 34.1: “In addition to the specific provisions in these rules dealing with women prisoners, the authorities shall pay particular attention to the requirements of women such as their physical, vocational, social and psychological needs when making decisions that affect any aspect of their detention”; Rule 34.2: “Particular efforts shall be made to give access to special services for women prisoners who have needs as referred to in Rule 25.4”), labor, nursing and children (EPR, Rule 34.3: “Prisoners shall be allowed to give birth outside prison, but where a child is born in prison the authorities shall provide all necessary support and facilities”, and Mandela Rules, Rule 28: “In women’s prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate”), prison staff (Mandela Rules, Rule 81: “1. In a prison for both men and women, the part of the prison

Segregation, Anti-Essentialism, and Masculinity.” *Harvard Journal of Law & Gender* 33.2 (2010): 509-553 and Id., “The Stubborn Persistence of Sex Segregation.” *Columbia Journal of Gender & Law* 20.1 (2011): 51-140.

set aside for women shall be under the authority of a responsible woman staff member who shall have the custody of the keys of all that part of the prison. 2. No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member. 3. Women prisoners shall be attended and supervised only by women staff members. This does not, however, preclude male staff members, particularly doctors and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women”; EPR, Rule 81.3: “Staff who are to work with specific groups of prisoners, such as foreign nationals, women, juveniles or mentally ill prisoners, etc., shall be given specific training for their specialised work” and Rule 85: “Men and women shall be represented in a balanced manner on the prison Staff”), solitary confinement (Mandela Rules, Rule 45.2: “2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, continues to apply”), instruments of restraint (Mandela Rules, Rule 48.2: “Instruments of restraint shall never be used on women during labour, during childbirth and immediately after childbirth”).

Interestingly enough, in terms of childcare, Rule 29¹³ of the Mandela Rules refers generically to a child staying in prison with his or her “parent”, avoiding the usual reference to the mother and opening up to the possibility of considering the father in prison as a responsible parent, who can be entitled to take care of his child in prison.

The first international instrument specifically conceived to address the issue of women in prison, drawing from the general international tools that we have just

¹³ Rule 29: “1. A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for: (a) Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent; (b) Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists. 2. Children in prison with a parent shall never be treated as prisoners.”

examined, are the Bangkok Rules (BR)¹⁴. These rules, intended to complement the U.N. Standard Minimum Rules (now Mandela Rules), develop a new perspective, while trying to interpret the phenomenon of women in prison, describing the desirable treatment for women in prison.

In the Preliminary Observation, the BR rejects the illusion of the universality of human rights in prison, even when paired with principles of non-discrimination law:

The Standard Minimum Rules for the Treatment of Prisoners apply to all prisoners without discrimination; therefore, the specific needs and realities of all prisoners, including of women prisoners, should be taken into account in their application. The Rules, adopted more than 50 years ago, did not, however, draw sufficient attention to women's particular needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners has acquired importance and urgency.

This shifting paradigm in the protection of female prisoners' rights requires to abandon the "equal protection" strategy and to describe pragmatically what the needs of women in prison are: not "special" needs, compared to the ones universally recognized for men, but the needs that are part of the common experience of everyday life in female prison institutes. In this respect it is very important that, concerning personal hygiene, Rule 5 states that "The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge". But, surprisingly enough, self-care needs are not mentioned. This is particularly

¹⁴ GA Res. 65/299 (16 March 2011). United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

interesting, since in the Mandela Rules a special rule is designed to address this issue, i.e. Rule 18.2: “In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly”. The explicit reference to the “special” needs of men in terms of shaving is not unnecessary or superfluous, since it deals with an issue of security (the possession and use of razor blades in the cell) affirming that the notion of “self-respect” deserves a special consideration and can overcome generic security reasons. Now this consideration does not equally apply to women, who can be prevented from possessing and using blades to shave themselves¹⁵.

One very particular legal feature of the BR is that they make no reference to the separation rule. On the contrary, on the issue of allocation, the BR specifically refer to the principle of allocating women close to their homes or places of social reintegration, in order to facilitate communication with their families and services and enhance their social rehabilitation.

While this constitutes a shift in perspective, at the same time it could have been useful to use the new legal framework of the BR to expand on the separation rule (which is not only established in the Mandela Rules, to which the BR constitutes a mere complement), but it is strictly followed at a global scale and it is continuously reaffirmed based on the vulnerability-oriented approach. The BR could have stressed the complex relationship between the principle of separation and the principle of allocating prisoners close to their families. It would have been interesting to consider options such as encouraging “governments to compensate in situations where a woman is imprisoned far from home, e.g. by refunding visitors’ travel expenses, or allowing for extra visiting or Skype time”¹⁶.

¹⁵ According to the experience with Altrodiritto, we have directly experienced an order by the Prison Administration forbidding the possession of blades in the cell only for female prisoners due to security reasons.

¹⁶ P. Hein van Kempen, M. Krabbe, Women in prison: a transnational perspective, in .P Hein van Kempen, M. Krabbe (Eds.), Women in Prison. The Bangkok Rules and Beyond, Intersentia, Cambridge, 2017, p. 32.

One very important tool, within the European penitentiary space, are the recommendations issued by the European Committee for the Prevention of Torture (also CPT) on the treatment of female prisoners¹⁷. The specific relevance of this body can be traced back to its monitoring activity, carried out in order to evaluate and discover situation of torture and inhuman or degrading treatment based on a case by case assessment. In this perspective, ‘torture and inhuman or degrading treatment’ may be defined differently in the case of women in prison.

Taking a highly pragmatic approach, the CPT report opens with the claim that women in prison: “are characterised by having particular needs and vulnerabilities which differ from those of men”, thus reformulating the issue of vulnerability. Men in prison are vulnerable, no less (or more) than women, but for different reasons. Particularly, the vulnerability of women in prison does not stem ontologically (or biologically) from the fact of being weaker even in the free society, but from the “fact that women are far fewer in number” and this “poses a variety of challenges for prison administrations, often resulting in less favourable treatment as compared to imprisoned men¹⁸”. The response to this issue should not be found in the general “equal protection” clause, but rather in a “substantive equality” approach¹⁹.

Concerning allocation, the CPT opens up to the possibility of experiences of shared accommodation unit²⁰ (such as the case of Denmark). Another practical concern is the

¹⁷ Firstly drafted in 2010 and then reviewed last time in 2018: CPT/Inf(2018)5, available at: <https://rm.coe.int/168077ff14>

¹⁸ Ivi, p. 1.

¹⁹ See ibidem: “The growing recognition of the benefits of fully embracing substantive gender equality in all areas of policy-making should extend to the prevention of ill-treatment in prison. Greater efforts are therefore needed in order to ensure a gender-sensitive monitoring of prisons, attuned to the potential compounding of problems women face in prison.”

²⁰ Ivi, p. 2: “The CPT has encountered some specific situations in which prisons permit men and women to share an accommodation unit in pursuit of “normalcy”, i.e. promoting conditions of living that approximate as far as possible those in the community, with prisoners taking responsibility for their own lives. Nevertheless, great care should be taken in establishing and following the criteria for assigning both male and female prisoners to

such units, and in ensuring rigorous supervision of relations between the inmates concerned. Clearly, persons likely to abuse others, or who are particularly vulnerable to abuse, should not be placed in such a unit. Whatever the arrangements, it is essential that proactive measures be taken to prevent sexual exploitation where male and female prisoners come into contact in a prison environment”.

issue that “protective reasons” could constitute the basis and justification for a *de facto* solitary confinement²¹ (see also, *mutatis mutandis*, Ciuffoletti, 2020).

Another very important issue addressed by the CPT report concerns access to activities. In this respect, the CPT stresses the fact that all too often:

female prisoners are offered activities deemed “appropriate” for them (such as sewing or handicrafts), and are excluded from far more vocational training reserved for men. The small number of women may mean that it is not considered viable to establish a workshop exclusively for them. However, such a discriminatory approach can only serve to reinforce outmoded stereotypes of the social role of women²².

The CPT also stresses the need and importance of mixed-gender activities, supported with adequate supervision.

As for personal hygiene, the CPT affirms that the failure to provide women in prison with items such as adequate quantities of essential hygiene products, such as sanitary towels and tampons, and safe disposal arrangements for blood-stained articles, as well as ready access to sanitary and washing facilities, can amount, in itself, to degrading treatment. A differentiation in terms of access to washing facilities may also be necessary.

²¹ Ivi, p. 3: “The lack of capacity or of appropriate specialised facilities for women, the requirement to separate detention categories (remand/sentenced; short/long sentences; preventive detention), or the fact that an establishment holds only one woman, may result in a woman being accommodated for extended periods in a detention unit subject to an unduly restrictive regime, or she may *de facto* be subjected to a regime akin to solitary confinement. In such cases, the authorities should seek to transfer the woman to appropriate accommodation; if such transfer is not possible, the authorities should make the necessary efforts to provide the woman with purposeful out-of-cell activities and appropriate human contact”.

²² Ibid.

Concerning reproductive rights (e.g. conception, contraception, abortion), an issue which is completely absent in the BR, the CPT states that, by virtue of the principle of equal access to healthcare between imprisoned and free individuals:

The contraceptive pill, for whatever reason it has been prescribed, should not be withheld from women wishing to take it. A woman’s right to bodily integrity is not diminished by virtue of her imprisonment. Where the abortion pill and/or other forms of abortion at later stages of a pregnancy are available to women in the outside community, they should be available under the same conditions to women in prison.

The European Court of Human Rights’ (ECtHR) case law on prisoners’ rights shows the ability of the Court to position itself as a judicial tool for the effective protection of rights by force of interpretive methods and strategy. As a matter of fact, prisoners’ rights are not a specific focus of the Convention, yet since the beginning of its activity, the Commission (before the Court) received and decided a high number of applications by European prisoners. This seems to be connected to the role of international courts to provide a forum for minorities’ rights in pluralistic societies. Specifically, for minorities and vulnerable individuals subject to state-power authority. As of today, the ECtHR is seen as a fundamental and practical tool for European prisoners (and not only for them²³) in order to see their rights upheld, even against national policies, practices and legislation violating conventional rights. However, this entire hermeneutic undertaking seems to be rather gender-neutral. Indeed, when we consider women in prison, the ECtHR’s case law shows very few interventions.

²³ If we consider the dimension of the legal dialogue, particularly between the international regional courts. See, A.M. Slaughter, “A Typology of Transjudicial Communication”, 29, *University of Richmond Law Review*, 1994; Id., “A Global Community of Courts”, 44, *Harv. Int’l L. J.*, 2003; Id. *A New World Order*, Princeton University Press, Princeton, 2004.



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From an analysis of the international legislation and soft law instruments designed for the protection of women in prison, we can draw the conclusion that a phenomenon which has historically been overlooked due to the disproportionate male/female ratio in the global prison population is now gaining attention. This is true not only in the anti-discrimination field and in matters relating to the protection of children, motherhood, pregnancy, and breast-feeding, but also in other areas, specifically the sociology of female detention, as well as the right to an adequate prison regime based on a thorough individual assessment.

As the CPT rightly puts it in its report, the issue is not simply represented by the lack of activities designed for women, but rather by the absence of “meaningful activities” and the proposal of activities ‘deemed’ appropriate for them. The EPR, Rule 35.1, demands an adequate prison regime for women.

In order to put these provisions into effect, a consistent domestic and international case law is needed, a jurisprudence which will put into context the personal and private troubles of women in world prisons. Surprisingly, this case law is rather scarce. Specifically considering the ECtHR—one of the most effective judicial tools for the protection of European prisoners—its case law has paid little attention to the specificities of women in prison and has dealt with this issue mainly in the area of anti-discrimination law. So far, the European Court has been asked to talk ‘about women’ by European male prisoners.

This has led to a jurisprudence mainly concerned with establishing the legitimacy of positive prison measures for women in Europe from an anti-discrimination perspective. We have, thus, discovered that prison policies designed by national legislations are primarily designed (and justified) in order to protect the biological dimension: motherhood, pregnancy, breast-feeding.

At the same time, positive discrimination measures designed for women could have, if interpreted not as a way to protect a per se vulnerable category (women as such, thus reiterating traditional female roles), but rather as measures which are inherently tied

to human dignity, rehabilitation, and social reintegration. As such, these measures could and should be extended to the 'other' genders in order to pave the way for an advancement in the protection of prisoners' rights at a global level. The fight for the effectiveness of rights needs to be fought day by day, in order to create a better future for women, transgender, men held in the prisons of the world.

- **Intersectionality of the different grounds of discrimination and perspective of the penitentiary and post release experience.**

Our ethnographic research has verified the specific dynamic of the intersectional discrimination issue.

As mentioned above, the notion of intersectional discrimination, which originated within feminist thinking (Crenshaw, 1989) is based on the idea that in a condition of disadvantage, the stratification of degrees of progressive discrimination is more than proportionally focused on the least protected and most socially and economically exposed persons. In this context, women and foreigners suffer the highest levels of discrimination (Sen, 2001).

In short, the phenomenon of intersectional discrimination is more insidious than multiple discrimination (in which several factors of discrimination manifest themselves in the same person), because the co-presence of factors of discrimination does not lead to a simple increase in the likelihood of discrimination, but each factor is capable of reinforcing the other in a mechanism of discriminatory self-generation (Fredman, 2016).

Particularly, Fredman distinguishes between:

- Sequential multiple discrimination - when a person suffers discrimination for different reasons on separate occasions. For example, a disabled woman might experience discrimination once because of her gender and on another occasion because of her disability. This type of discrimination is the easiest to deal with because each incident can be assessed individually and judged accordingly;
 - Additive multiple discrimination - when a person suffers discrimination on the same occasion but for two reasons, e.g. a gay woman is harassed because she is a woman and gay. This type of discrimination is additive, because each of the grounds can be identified independently.
 - Intersectional discrimination - occurs when two or more grounds operate simultaneously and interact inseparably, producing distinct and specific forms of discrimination. For example, a young Roma woman is discriminated against in the labour market because she is Roma and is perceived as 'dangerous', because she is a woman and is therefore 'destined to have children soon', and because she is young and therefore inexperienced. In particular circumstances, the combination of these factors creates a negative synergy, so that discrimination cannot be understood as merely adding criteria. Being considered inexperienced and incompetent, she shares experiences of discrimination with young men; being employed in a traditional role, she shares experiences with other women; and being perceived as dangerous, she shares experiences with all Roma, including men. However, it is the particular intersection of all these factors that makes her case individual.
- **Mothers with babies in prison: the Italian model and reform proposal**



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Our analysis was particularly relevant in highlighting the experiences of ROMA women in prison and during the post release timeframe.

At the same time, the research team chose to devote time and research on a specific issue with a complex gendered dimension: the mother with babies in prison.

In Italy this issue has been very recently discussed at a political and public debate level, involving an intrinsic discriminatory rhetoric. The recent political chronicle has clearly shown the ease with which the public discourse and pillorying of 'bad mothers' is constructed in the case of imprisoned mothers.

A very recent bill signed, proposed by the opposition, aimed at expanding the creation of protected family homes where women with young children could serve their sentences has been scuttled, with amendments that distorted its meaning in the name of social security reasons.

Particularly, it has been proposed to abolish the humanitarian measure aimed at protecting motherhood (dating back to 1930 in Italy), the so called mandatory deferment and suspension of the penalty for pregnant women and mothers with babies under the age of one year, in view of the fact that this normative model was in favour of Roma women who 'use' their pregnancies and children as tools to avoid the execution of their sentences.

The political and public discourse has expressly used the term "Roma women" or "zingare" in order to justify the proposal of this kind of reform.

Our research on the Women with babies unit in prison has showed that in the four Institutes devoted to host mother with babies in ad hoc structures, so called ICAM (Milano San Vittore, Venezia Giudecca, Lauro, Torino) and in the different mother with babies units in the ordinary female sections or female institutes the majority of imprisoned mothers, pregnant women and babies are of Roma origins.



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The Italian research team collaborated in the campaign *Madri Fuori*, along with many civil society entities and together with various local Ombudsperson, organizing an awareness-raising campaign, for the dignity and rights of convicted women, their sons and daughters, culminating in a mobilisation on Mother's Day, Sunday 14 May. In particular, the research team organized a meeting inside the prison of Sollicciano along with the regional ombudsperson for Tuscany, representative of the regional council of Tuscany, prison workers and parliamentarians. The delegation met women imprisoned in the Sollicciano prison (including some of the participants in the research) and discussed about issues concerning the differential treatment, discrimination experienced as woman, as foreigner, as undocumented and as Roma person in prison, as well as issues concerning motherhood, family ties, relationship with children.

At the same time, the research team participated and shared experiences and knowledge with the UE-CoE project JUSTROM3²⁴.

Emilio Santoro and Sofia Ciuffoletti, member of the Italian research team, participated as speakers in training activities on Access to Justice for Roma, especially Women and Minors (3-4 February 2022) and training sessions on JUSTROM's, other relevant practices, and UN and CoE standards in the field of non-discrimination and Roma, legal status, statelessness, gender equality and combatting violence against women (17 December 2021 and 14 January 2022).

²⁴ See: <https://pjp-eu.coe.int/en/web/access-to-justice-for-roma-women/about-justrom3>

The aims of the program are:

to address multiple discrimination and improve related access to justice of Roma women by supporting the empowerment of Roma women through increasing their awareness about discrimination, complaint mechanisms, the justice system and human rights institutions/equality bodies;

to enhance professional resources used at national level by the judiciary, law enforcement and NGOs/human rights advocates regarding the application of anti-discrimination standards with a focus on multiple discrimination, gender equality and Roma women;

to increase synergies between the institutional frameworks of the European Union and Council of Europe, including through National Roma Contact Points (NRCP) and "Council of Europe's expert group on Roma", and with national and local authorities on national Roma integration strategies, and civil society regarding access to justice.



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Conclusions and recommendations – for your national context and the European level

During the ongoing activities of the project, UNAR (the Italian Anti Discrimination Office) drafted and approved the National Roma and Sinti equality, inclusion and participation strategy (2021-2030) as implementation of the Recommendation of the Council of the European Union of 12 March (2021/C 93/01). This was an important result and shaped the further development of the project.

As a result of all the research activities, the research team propose to include the recommendation to the Prison Administration and to the Department of Probation to collect data on ethnicity and community based on the principle of self-identification as a necessary and formal policy for the Prison Administration and Probation Office to better understand the situation and support the implementation of policies and programs for the Roma community.

It appears useful to include here a part of the National Strategy

1.4.2 Italy and possible research paths to follow for data collection

Despite the important steps forward made thanks to the completion of the above-mentioned surveys, to date, the lack of reliable and scientifically based information, systematically collected on the living conditions of the Roma and Sinti population, continues to represent a critical issue in terms of knowledge

of the phenomenon and on the more fully operational level of the development of effective interventions aimed at removing the causes that determine forms of social exclusion and disadvantages for a significant proportion of this population in Italy. It should be noted that the absence of specific surveys on the Roma, Sinti and Caminanti population is not specific to Italy, but is shared by most European countries. Both at European level and in individual countries, there are only estimates of the number of Roma people present. The absence or the lack of data is due largely to the complexity of the categorical definition of "who" can be considered Roma or Sinti and, in part, to the spread of antigypsyism. The way in which the Roma and Sinti population is identified, together with the limits imposed by legislation on the protection of personal data, including some particular categories of data (formerly "sensitive data"), such as ethnicity, have led almost all countries that produce official data on the Roma and Sinti population to make use of the self-definition given by those concerned. While this choice makes it possible to overcome the issue of definitional complexity, it has not always proved adequate for the collection of reliable data due to the spread of antigypsyism and related phenomena. It should, in fact, be stressed that, where data is gathered on the ethnicity of Roma or Sinti people, it tends to underestimate, sometimes significantly, the actual number present. This is largely due to widespread prejudice that makes many people reluctant to disclose their membership of such a discriminated minority. According to the No data – No progress report, in countries where the Roma presence is officially recorded, official figures underestimate the presence in a range between 55% and 99% compared to data collected by non-governmental associations. While the issue of collecting data on ethnicity is still particularly complex, several international bodies have highlighted the need to collect this type of data in order to plan anti-discrimination policies. The European Commission against Racism and Intolerance (ECRI) of the Council of Europe was among the first international bodies to advocate the need to collect ethnic data in a consistent and comprehensive manner in order to assess the effectiveness of policies aimed at ethnic minority groups. Remaining within the scope of the Council of Europe, the European Committee of Social Rights has requested national authorities to collect data on equal treatment in order to inform policy makers. The Committee has stated that where it is clear that a particular category of people is, or is likely to be, discriminated against, it is the duty of national authorities to collect data to assess the extent of the problem. The collection and analysis of ethnic data (with appropriate safeguards for privacy



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and against other forms of abuse) is essential to the formulation of rational policy. The UN Special Rapporteur on extreme poverty and human rights went further than this request, stating that the European Commission should initiate violation proceedings if a member state continues to misinterpret EU data protection provisions, such as not allowing the collection of data on ethnicity. From a legislative point of view, at European level, the European Union does not prohibit the collection of data on ethnic grounds, as long as data protection safeguards are implemented and the data subject gives their explicit consent to the processing of such personal data for one or more specific purposes. No Member State imposes an absolute ban on the collection of ethnic data as long as the collection of such data is carried out in compliance with the Data Protection Directive. Article 9 of the current European legislation on the protection of personal data (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) prohibits the processing of personal data revealing racial or ethnic origin, but states that this prohibition does not apply where the data subject has given their explicit consent to the processing of such personal data for one or more specific purposes and only under the following conditions: 1. If referring to all minorities, according to the principle of self-definition of individuals, which can only be carried out on a voluntary basis. 2. If people's right to privacy is respected. 3. If used only at aggregate level and with the aim of fighting inequality and supporting positive actions to counteract ethnic discrimination. As already highlighted, the option of hetero-identification of the Roma population, i.e.: the attribution of ethnicity by third parties or based on the use of proxy variables, besides no longer being permitted by current European legislation, also poses many important methodological problems. Most recently, on 12 March 2021, the Recommendation (2021/C 93/01) of the Council of Europe on Roma Equality, Inclusion and Participation, while stressing that the collection of information on ethnic origin is a sensitive topic and that it is prohibited in some Member States, reaffirmed the importance of collecting this type of data as a necessary base for the design of measures to effectively improve the situation of the Roma population, in compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council (14) and the 2018 Guidelines for Improving the Collection and Use of Equality Data, published by the Subgroup on Equality Data under the High Level Group on Non-Discrimination, Equality and Diversity. Therefore, if these prerequisites were met in Italy, there would be, in principle, no impediment to collecting



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data on a specific minority, including Roma and Sinti, even within the framework of "non-recognition" in which this minority is included²⁵.

In this respect the proposal is to propose and provide support and training to officers, social workers, educators both in the Prison Administration and in the Probation Office in order to include a ethnicity-sensitive approach during the first entry interview or the first meeting with a person in prison or in an alternative measures to detention, assuming the theoretical perspective of the self-identification as opposed to the hetero-identification.

The risk of stigma attached to the self-identification and self-perception was also discussed and the issue of underestimation of the numbers was considered actual. At the same time, a participant (community member who declared to also be a former prisoner) stressed the fact that not only stigma is attached to the Roma person in prison. According to his experience, it can be argued that the Prison Administration consider Roma prisoners less prone to critical events, to "difficult and aggressive behavior" and socially connected with strong family ties. In the experience of this participants, it can happen sometime that person of non Roma origin "fake" their ethnicity and declare to be Roma in order to have this sort of "positive stigma" in prison²⁶.

This is an interesting narrative, contrafactual but at the same time worthy discussion and consideration.

²⁵ National Roma and Sinti equality, inclusion and participation strategy (2021-2030) Implementation of the Recommendation of the Council of the European Union of 12 March (2021/C 93/01), p. 18 ss.

²⁶ "Many in fact make themselves out to be Roma in order to get more facilities", See Transcript of the Focus Group.



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Concerning the draft national strategy for inclusion that mentions Roma prisoners as a target group for specialized interventions (BUL). It is considered relevant to include in the new National Roma and Sinti equality, inclusion and participation strategy²⁷ a line of action and research concerning prison experience, resocialization and reentry as strategical issue in order to tackle and manage the discriminatory effect of the criminal context. Within this specific perspective, an important proposal and finding of the project could be the possibility to establish a specific dedicated multi stake-holders working group on prison, rehabilitation strategies and specific discrimination within the criminal and probation contexts.

Dedicated multi-stakeholder working groups are established by the new National Strategy with the aim of investigating specific issues of priority and significant interest for the implementation of the Strategy. We intend to propose, through UNAR (which will participate in the project final National Conference) the establishment of an *ad hoc* Working Group drawing from the results of this project (Working Group on Prison and Resocialization).

²⁷ National Roma and Sinti equality, inclusion and participation strategy (2021-2030) - Implementation of the Recommendation of the Council of the European Union of 12 March (2021/C 93/01), available at: https://www.unar.it/portale/documents/20125/113907/National_Roma_and_Sinti_strategy_2021-2030_EN_def.pdf/04285b59-26e5-d6e6-2d7e-6663fa976038?t=1654690689225



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ROMANIA



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EXTENDED SUMMARY

Prison life brings different experiences for people, ranging from it being a nightmare to an opportunity for re-evaluation. Prison is depicted as a terrifying ordeal, a necessary sacrifice, a life-changing lesson, and a moment for reassessing prior relationships. For a small group, it appears to leave no lasting impression. The difficulties of being imprisoned, such as family separation and unpleasant social interactions, are heightened by dissatisfaction with the Romanian legal system. This dissatisfaction stems from uncertain release dates and recurring delays in conditional releases. Moreover, these hardships can be even more acute for Roma prisoners due to perceived unfair treatment, self-isolation, and stigmatization.

Roma women face unique and heightened challenges during incarceration. For women, the separation from family and children is felt more deeply. Roma women are often more likely than their male counterparts to lose custody of their children and become separated from their partners. They are also more at risk of poverty. For some of these women, prison serves as an unexpected gateway to essential medical care, educational opportunities, and new experiences. Nevertheless, the majority still view it as a form of torture, especially among Roma women who are financially disadvantaged. These women are already subject to intersecting challenges such as extreme poverty, racial and gender-based discrimination, and limited access to essential services, which become even more pronounced when incarcerated.

Roma people, especially women, often rationalize their crimes as necessary steps for upward social mobility. Roma individuals often defend their actions as essential sacrifices aimed at climbing the social ladder, a sentiment particularly strong among women. In their eyes, their choices are not merely mistakes or ethical failures, but deliberate decisions seen as crucial for achieving upward mobility. Many feel that traditional pathways to success are either unavailable or insufficient, compelling them to see criminal activity as their only viable alternative.

For Roma women, motherhood is deeply entwined with their sense of identity, more so than for men. The absence of visits from family serves as a stark reminder of the emotional struggles women face when parted from their children. As will be further detailed, the maternal role is deeply embedded in the identity of Roma women, often to the point where it becomes difficult to separate the two. Phrases such as "I am a mother," or "I am a family woman" illustrate this connection. Conversely, while male inmates do discuss their roles as fathers and partners, these roles do not similarly dominate their self-perception.

Institutional discrimination is pervasive within prisons, manifesting in various ways that both male and female inmates describe, though often without recognizing these behaviours as discriminatory. Within the prison environment, institutional discrimination appears in several forms, which will be elaborated upon in the following section. These forms include ethnic slurs and derogatory name-calling, judgments about trustworthiness, medical dismissiveness (or gaslighting), and stereotyping. Even though most inmates claim not to have experienced discrimination, both genders frequently report incidents involving name-calling and ethnic slurs. This implies that discriminatory actions may have become so ingrained in the prison culture that they go unnoticed or unacknowledged, signalling a troubling systemic issue. Additionally, even when Roma prisoners seem indifferent to derogatory comments, this apathy does not invalidate the discriminatory nature of the actions.

Despite widespread uncertainty about post-release logistics and livelihood, prisoners generally maintain a high level of optimism regarding their future after release. A considerable number of prisoners seem to



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lack specific plans for life after release, even in terms of basic logistics for the day they are set free. Questions loom around simple matters like how they'll get to the train station or if they'll have enough money to get home. This uncertainty also extends to career prospects. Most male prisoners view going abroad as a one-size-fits-all solution for reintegration, while women generally envision roles in cleaning, typically for an apartment complex. However, a surprising level of optimism pervades the inmate population concerning their prospects after release. Men and women alike tend to be highly optimistic about their futures, with only a few expressing any ambivalence, often attributing their future to destiny or the kindness of others.

The first week following release from prison serves as a critical transitional period for both male and female former inmates, who often refer to this time as a "honeymoon period." During this phase, many opt to spend their time indoors, reconnecting with family members to make up for lost time, and generally avoiding unfamiliar or potentially harmful environments. This tendency to limit their movements to safe and familiar places—like their homes, nearby shopping malls, or relatives' residences—stems from an underlying fear of relapsing into criminal behavior. For Roma former prisoners, the family network becomes both a source of emotional sustenance and a deterrent against reoffending. However, reintegration comes with its challenges, especially for women, who report feeling closely watched and find it difficult to adjust to the quieter environment outside of prison. Additional layers of complexity include societal prejudices against them, both as former inmates and as Roma individuals.

While family support remains the cornerstone of reentry into society for many, especially for Roma ex-prisoners, there is an acknowledgment of the state as a potential source of assistance, even if no formal systems are currently in place. This recognition implies that if state-sponsored support mechanisms were developed, they are likely to be accessed by Roma former prisoners. As of now, the absence of such institutionalized support makes the extended family the primary safety net during the precarious period following release, underscoring the need for further exploration into how governmental support could complement these familial bonds in facilitating successful reintegration.

The most significant obstacle mentioned by study participants in the first week after release is financial hardship and dependency on family for basic needs, compounded by challenges in securing identity papers due to the lack of property documents, an issue disproportionately affecting the Roma community. The lack of property papers is a well-documented issue affecting the Roma community in Romania. Public statements from the head of the National Agency for Roma suggest that 50% of Roma households lack these papers. Furthermore, a study foundational to the National Inclusion Strategy reports that 42% of Roma individuals claim to live in a house without possessing property papers, compared to 13% of the general Romanian population (as cited in Government Decision 560/2022). This issue has specific ramifications for Roma ex-prisoners, who assert that they encounter difficulties in acquiring necessary documentation due to the absence of property papers. These struggles are common in the next period after release as well.

Obtaining identity papers is a time-consuming and challenging process for research participants, made even more complicated for former prisoners who face additional barriers due to lack of property papers. Most research participants need approximately two to three months to secure identity papers, but there are instances where securing identity papers is still not achieved. While property papers are an issue for a substantial proportion of the Roma populace, it is even more difficult for former prisoners to secure identity papers. Not only do they have to navigate the bureaucratic system, but they also face the added challenge of having to secure a declaration of residence from someone with the necessary documentation. This often



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involves convincing individuals who possess the required property papers to officially state that the former prisoner resides at the same address, adding another layer of complexity and difficulty to the process.

A month after being released, former prisoners often describe a heightened sense of despair, with different gender dynamics affecting their struggles with economic inactivity and social stigma. One month following their release, a prevailing sense of desperation becomes increasingly prominent in the stories of former inmates. Men, in particular, express heightened concerns about their inability to secure employment, as opposed to women who tend to lean more on family support for an extended period. At this juncture, the idea of moving abroad emerges as a viable path for many of these individuals. Some go as far as to say that without the option of going overseas, their prospects would be grim, largely due to the societal stigma attached to being a former prisoner. This stigma, they contend, is further magnified by their Roma heritage, making them even less likely to find employment locally.

Three months following their release, a comparative analysis between men and women shows that women are generally more successful in adapting to post-prison life, demonstrating resilience and autonomy, while men are more likely to attribute their challenges to external factors such as societal discrimination. Three months out of prison, former inmates show varying degrees of adjustment to their new lives. Most women interviewed have successfully found employment, and some have even explored opportunities abroad. These women exhibit a higher level of resilience in overcoming post-release obstacles compared to their male counterparts. None of the women reported experiencing stigma related to their criminal records. They embody various forms of post-release empowerment, from gaining financial independence to making autonomous career choices and fostering emotional well-being. Conversely, men often succumb more readily to discouragement, blaming their challenges on systemic issues such as discrimination related to their criminal pasts and ethnic backgrounds, indicating a tendency to externalize their problems rather than taking personal responsibility for their choices.

INTRODUCTION

1.1 OBJECTIVES AND METHODOLOGY

This report aims to describe and analyse the results from the study conducted by European Strategies Consulting in Romania, as part of the “Between Inclusion and Re-Inclusion: How to deal with Roma offenders” (Roma OF-IN) project. The research was aimed grasp how Roma prisoners understand the release and re-entry process at different stages and the different ways of conceptualising re-entry impact of the process.

The research methodology employed an ethnographic design, in which researchers will fully “immersed” themselves into the prisoners' environments for comprehensive observation, in-depth interviews, and photography. Guided by a phenomenological theoretical framework, the study rejected the notion of a single objective reality, instead recognizing multiple realities shaped by participants' social experiences. This approach enabled researchers to explore participants' perceptions and understandings without preconceptions or bias. Additionally, the framework aligned well with the use of grounded theory for both data collection and analysis. Researchers engaged in the study with few or no pre-existing assumptions, adopting an inductive approach to build theory from specific empirical data, themes, and codes. The technique of "inductive probing" further assisted the research team in clarifying participant expressions and promoting narrative sharing.

The central research question of this study aims to explore how prisoners perceive the release and re-entry process at various stages and how these differing perspectives influence the re-entry experience. In addition to this core question, the study will delve into several sub-questions, such as: the prisoners' understanding of the release process both before and after it happens; the existence and organization of structured re-entry strategies or coping mechanisms; the prisoners' pre-release expectations and the degree to which these are met; the key individuals and institutions involved in the re-entry journey and their respective roles; challenges that prisoners identify in successfully re-entering society; the tactics they employ to overcome these hurdles; the resources utilized during re-entry; changes in levels of hope and personal agency throughout the re-entry process; the nature of the relationship between prisoners and the State; and lastly, the presence of discrimination against Roma individuals, complete with illustrative examples.

1.2 NATIONAL FRAMEWORK

In our discussion, we examine two key policy documents ratified by the Romanian government: the Inclusion Strategy for Romanian Citizens Belonging to the Roma Minority for 2022-2027, and the National Strategy for the Reintegration of Prisoners for 2020-2024. While the first document outlines goals and actions for the broader inclusion of the Roma community, it notably omits any specific mention of Roma prisoners. Conversely, the second document focuses on strategies for reintegrating offenders into society but fails to address the unique needs or circumstances of Roma individuals involved with the criminal justice system.

Inclusion Strategy for Romanian Citizens Belonging to the Roma Minority for 2022-2027²⁸ is a programmatic document that seeks to promote constructive, pragmatic, and non-discriminatory policies, evidence-based Roma inclusion policies, the implication of civil society and the active participation of Roma citizens in drafting and implementing the measures of the strategy. The document issues priorities in the areas of accommodation, infrastructure, education, employability, health, identity and traditions, and discrimination and anti-Roma attitudes. The omission of convicted Roma people as a target of the strategy is visible from the very first page of the document which is signed by all important stakeholders, except the Ministry of Justice.

The National Strategy for the Reintegration of Prisoners for 2020-2024²⁹ is a normative document that addresses the implementation of post-detention assistance for prisoners. The document aims to provide a framework for the cooperation of various stakeholders in the re-entry process, such as public authorities, NGOs and focuses on capacity building for prisons and developing institutional and inter-institutional infrastructure. While the document mentions the stigma former prisoners carry after incarceration, it fails to address the intersectional challenges that Roma people involved with the criminal justice system face.

The omission has several explanations that stem, in many ways, we argue, from the blatant lack of comprehensive data on the specific challenges faced by Roma prisoners. The invisibility of Roma people involved with the criminal justice system is evident, first and foremost, by the impossibility of collecting ethnicity data in prison. Prison and probation representatives mention that they are not allowed to ask prisoners about ethnicity and the annual reports issued by the National Administration of Penitentiaries do not consider ethnicity as a factor. Second, in Romania, the field of justice continues to be politically sensitive, and issues surrounding prisoner reintegration and minority inclusion might come off as controversial to the public. Consequently, policymakers tend to shy away from addressing the intersectional challenges of Roma people as well as those of other minorities in Romania. And lastly, there is a lack of advocacy surrounding Roma people in prison, which leads to their exclusion from policy discussions.

1.3 GENDER AND IMPRISONMENT

Currently, no existing discrimination policies explicitly address the concept of intersectionality. Roma women are not specifically mentioned in either anti-discrimination policies aimed at the Roma community or in legislation focusing on gender equality. Additionally, national policies overlook the criminal justice system as an area requiring intervention. While there are efforts to educate magistrates on combating racism against Roma, the legislative framework remains broadly focused on general anti-discrimination measures.

Romania's most notable anti-discrimination policy is the Inclusion Strategy for 2022-2027. This strategy aims to address the deficiencies of its predecessor, which lacked effective monitoring and failed to adapt to local conditions. However, the strategy still fails to consider the unique challenges Roma people face within the

²⁸ The strategy was approved by Government Decision no. 560/2022 and is available at: <http://anr.gov.ro/images/2022/Monitorul-Official-Partea-I-nr.-450Bis.pdf>

²⁹ The strategy is available at: <https://anp.gov.ro/wp-content/uploads/2017/04/Anexa-1-Strategie.pdf>

criminal justice system. Similarly, the National Strategy for Preventing Discrimination, "Equality, inclusion, diversity," does not explicitly address justice-related issues.³⁰

Research by the National Council for Combating Discrimination (2015) suggests that while discrimination is a concern for Romanians, there is a disconnect between public perception and the lived experiences of minorities, particularly the Roma community. Discrimination against Roma women remains a neglected issue, despite evidence that they face intersectional discrimination at higher rates than other groups. Additionally, there is limited research on the experiences of Roma individuals within Romania's criminal justice system. Current data collection practices, which avoid recording racial or ethnic background, make it difficult to create policies aimed at vulnerable groups like the Roma. Studies have indicated an overrepresentation of Roma in the prison population, but the lack of data prevents a thorough understanding of the issue. Furthermore, research suggests that Roma men face different challenges than their non-Roma counterparts upon re-entry into society, but discrimination as an underlying cause is not fully explored. Overall, there is a significant gap in addressing the specific needs and challenges faced by Roma women and those involved with the criminal justice system.

1.4 PROFILE OF THE PRISON IN ROMANIA – PUBLIC DATA

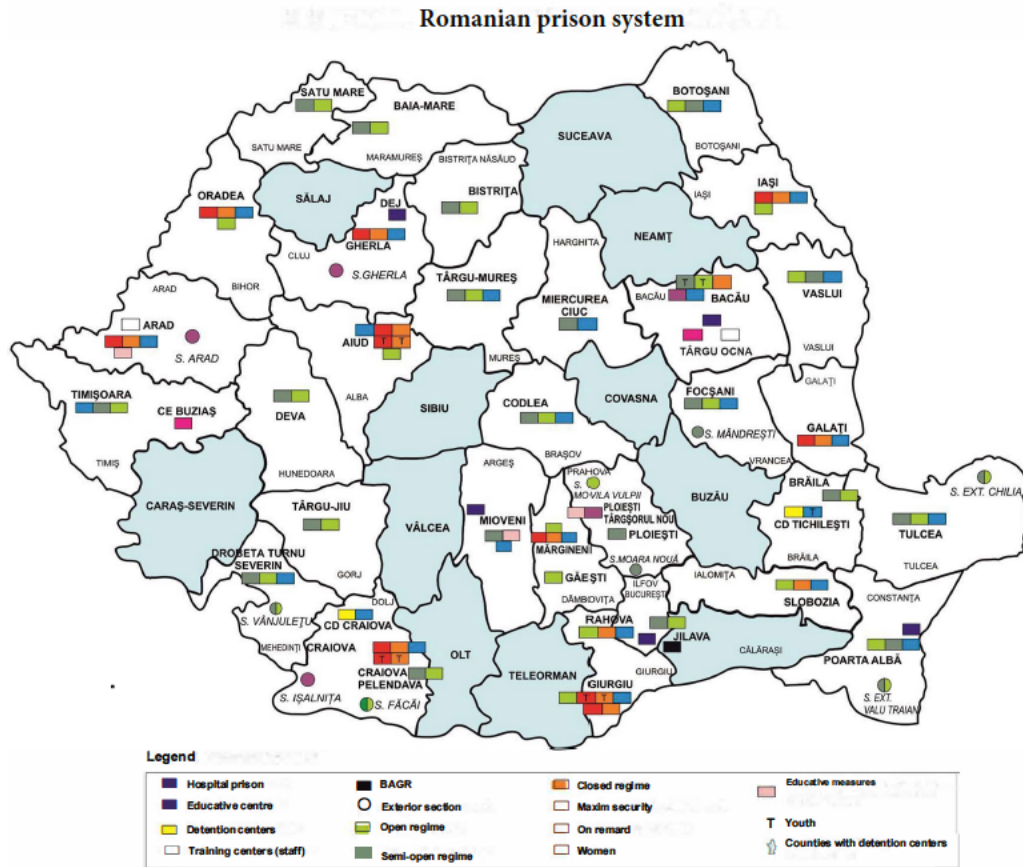
On a national scale, there are 34 correctional facilities, with one specifically designated for women. Additionally, there are two educative centres, two detention centres, and six medical correctional institutions. All penitentiaries and correctional facilities are coordinated by the National Prison Administration. Detainees are held under various systems, including maximum security, closed, semi-open, and open, as detailed in **Table 1** and Map 1.

Currently, there are over 23.000 people in prison, and the numbers show a steady increase over the past few years. The last SPACE I report (Aebi, Cocco, & Molnar, 2022) shows that Romania has a very high prison density per 100 places (more than 25% higher than the European median value), and a very high ratio of inmates per one staff. At the same time, Romania scores among the lowest in the percentage of female inmates in the prison population. Romania has a low rate of exits, scoring 53.6 exits per 100.000 inhabitants, compared to the European average (131.4) and median rates (115.4)



Figure 1: Evolution of the number of inmates 2009-2023

³⁰ Preamble to the Strategy (our translation).



Map 1: Romanian prison system, according to geographical distribution, type of prison, and custodial regime. Adapted for language from the National prison Administration report, 2021, p.9.

Table 1: Types of prison regimes (adapted from Law no. 254/2013; NAP, 2021, see also Cooney et al., 2022)

Type of regime	Length of sentence	Accommodation	Facilities
Maxim security	Sentences higher than 13 years or life imprisonment	Usually individual rooms	Detainees are under strict protection, supervision, and escort
			Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling,

			school, or professional training in small groups, under permanent supervision
Closed regime	Sentences between 3 and 13 years	Shared accommodation	Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training under supervision in small groups inside prison and under supervision.
			With the approval of the prison director, detainees can work or attend cultural and educative activities outside prison under permanent protection and supervision.
Semi-open regime	Sentences between 1 and 3 years	Shared accommodation	Common spaces inside the prison are open during the day.
			Detainees can be left unaccompanied inside common spaces during the day.
			Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training under supervision in small groups inside prison.
			Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training under supervision (including electronic monitoring) outside prison.
Open regime		Shared accommodation	Detainees can be left unaccompanied inside the prison

	Sentences lower than 1 year		Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training outside prison, without supervision.
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The research was conducted in two prisons. Bucharest-Jilava Penitentiary is a correctional facility for adult males near Bucharest. Usually, the prison holds around 900-1000 detainees, classified in the semi-open and open incarceration regimes. According to Romanian law, these individuals are nearing the end of their sentences, which affords them numerous opportunities and increased engagement with the civil society they will soon rejoin. Târgșor prison is the only prison for women in Romania, and it has in custody approximately 540 women in all regimes of incarceration, on remand, pending trial, including mothers with children.



Figure 2: Picture of the main courtyard of Târgșor prison. Source NAP website



Figure 3: Picture of the Jilava Prison gates. Source: NAP website

1.5 PROFILE OF THE RESEARCH PARTICIPANTS

A major challenge in the study was the high attrition rate of participants following their release. Some changed their phone numbers multiple times without notifying the research team, while others decided they no longer had the time or inclination to continue participating in the research. In some instances, prisoners were released without prior notice, leaving the research team with little resources to contact them after release. In the end, this report is based on interviews with 15 Roma women released from Târgșor Prison and 15 Roma men released from Bucharest-Jilava Prison.

Among participants, there is a fair representation in terms of place of residence after release: 18 participants were released in the urban area, and 13 released in rural settings. Since Târgșor holds in custody women from all over the country, it is more common for the women in this research to be released in the rural area (9 rural, 6 urban). As for men, 12 participants were released in urban settings, especially Bucharest.

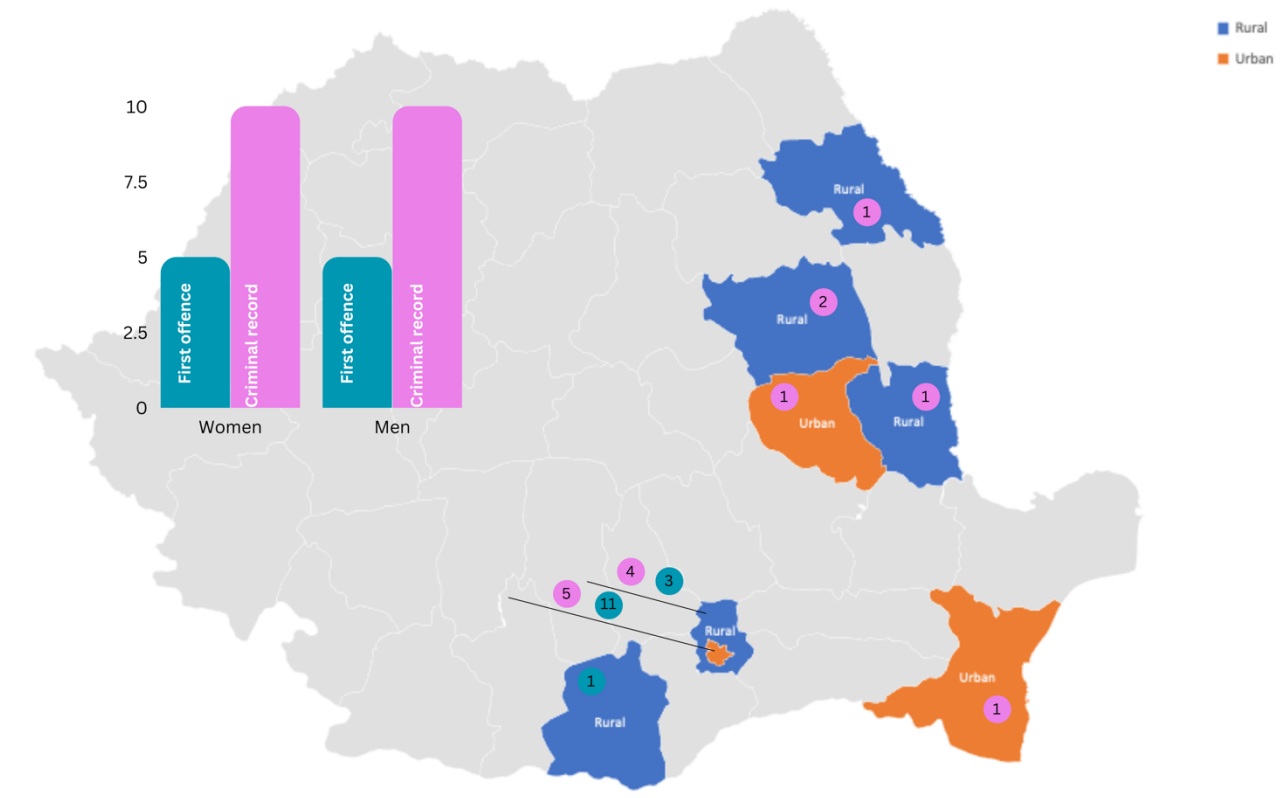
In terms of age, the average age for both women is 41, with a median of 42. For men, the average age of the sample is 39,4 with a median of 37 for men. For this sample, women serve shorter sentences than men. The average length of sentence for women is 37 months, with a median of 27. For men, the average sentence is almost 40 months, with a median of 24. 6 out of 15 women were serving their first offence, while four out of 15 men had not committed previous offences.

Women prisoners				
Name of the participant	Age	Place of residence (Urban/rural)	Length of sentence (in months)	First offence (Yes/no)
NS	32	Rural	24 months	Yes
BAM	31	Urban	24 months	No
DC	32	Rural	9 months	No
PF	30	Rural	72 months	Yes
MZ	68	Rural	24 months	No
UG	47	Urban	48 months	Yes
VC	45	Rural	87 months	No

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SZ	42	Rural	24 months	No
JP	33	Urban	36 months	Yes
TAS	31	Rural	36 months	Yes
ICM	42	Urban	73 months	No
MA	42	Urban	20 months	No
SE	49	Rural	30 months	Yes
NP	51	Urban	12 months	No

Men prisoners				
EM	51	Urban	54 months	No
AI	35	Urban	36	No
MF	32	Rural	18 months	No
MN	56	Urban	21 months	No
GF	33	Urban	48 months	No
ICF	33	Urban	99 months	No
SL	28	Urban	17 months	No
SM	54	Urban	48 months	No
GN	37	Urban	74 months	No
RZ	44	Urban	18 months	No
CA	27	Rural	24 months	No
RG	60	Rural	72 months	Yes
LM	40	Urban	24 months	Yes
CS	37	Urban	14 months	Yes
DI	24	Urban	20 months	Yes



CHAPTER 2. REENTRY TRAJECTORIES OF ROMA EX-PRISONERS

The first interview with research participants was conducted while they were in prison. The first phase of the research was a data-gathering exercise and an occasion for researchers and participants to get to know each other, gain trust, and establish the basis for a long-term relationship. Researchers accompanied most participants in their first day of release. Many Roma women included in this research had no money to call their families and let them know they were released. Others had no means of getting from the prison to the train station, a 14-kilometre journey, and none had enough money from the prison to get from the train station to their hometowns. After release, the research team conducted period interviews with participants in the key moments of their reentry trajectories: after 1 week, after 1 month, after three months, and after six months.

PRISON EXPERIENCE

Interviews usually debuted with questions related to participants' prison experience. Participants were invited to describe themselves and to describe what prison meant for them, in order to capture how and to what extent prison experience impacted on their perceptions and identity. As such, prison was described as a nightmare, a sacrifice (for money or others, usually children and family), a life lesson and an occasion to re-evaluate past relationships. For a very limited sample, prison is not considered to have made an impact. Pains of incarceration such as the loss of family and having to be in the company of others were salient, underscored by a deep disappointment with the Romanian legal system. The latter can be explained by the great uncertainty about release and the repeated postponement of prisoners' conditional release. At the same time, the pains of imprisonment might be exacerbated for Roma prisoners due to their perception of the treatment they receive in prison from staff and fellow inmates, perceived unfairness and (self)isolation and (self)stigmatisation.

Separation from family and children is experienced more acutely for women than for men and there are a few reasons for that. In Roma culture, it seems that women's identity is very tied to that of motherhood (see below, Identity). At the same time, women are more prone to having their children in the custody of the state and are tasked with making arrangements for getting their children back under their care. When they are not with the state, children tend to be with their mothers (if the father is incarcerated), or their extended family – mother, aunt or other member of the extended family, if the mother is incarcerated. For the latter, no formal tutelage is in place.

Furthermore, there are more instances of women rather than men at risk of poverty, as we encountered many women who do not have money to buy essential supplies (shampoo, women hygiene products, cigarettes), or to call home or get in touch with the outside world. Some women had no money to call home to let their relatives know they will be released. While men face similar challenges, it is more likely for Roma women in prison to be affected by poverty.

Some women describe prison as a chance to access medical services and support. The research team encountered many instances of women who discovered in prison that they were ill and underwent medical treatment in prison, and in one instance, prison made the difference between life and death: *"She says that*

if she had not been arrested, she would probably be dead, as she would not have money for surgery. She underwent two surgeries in prison.” (Woman, FC, pre-release)

Some women describe prison as an opportunity for new experiences, which may be more acutely experienced for Roma women, who are traditionally more bound to the domestic sphere: *She (MMC, 23 y.o.) has an optimistic view of life and prison (life in prison?) saying that she had the chance to engage in a wide range of activities, that she was trusted by prison staff who introduced her to many practices she would have never encountered in her former lifestyle, especially as a Roma woman. Among these, I mention yoga, Zumba, Tibetan therapy, medical treatment, theatre etc.* Other women enrolled in school and managed to graduate a few classes and learnt to read and write.

While for some women prison provides democratic access to services, others perceive it as a torture. This experience is more encountered in the case of Roma women with little financial means. While this comes as no surprise, as prison is a difficult experience for anyone, Roma women face intersectional challenges that worsens their experience – they are at risk of extreme poverty, racial and gender discrimination and violence, social exclusion, limited access to education and health care services, even prior to incarceration. Once incarcerated, these intersectional challenges become even more pronounced. Inside prison, Roma women sometimes report heightened discrimination from both prison staff and fellow inmates. Their cultural practices, traditions, and language might be misunderstood or outright dismissed, further isolating them from support systems within the prison environment. For women involved with the criminal justice system, the lack of literacy skills and legal knowledge puts them at a disadvantage as they can have limited understanding of their situation.

There is little formal representation for Roma men and women in prison. For example, cultural and linguistic barriers might make rehabilitation programs, counselling services, or educational opportunities less accessible to them, further isolating them of access to legitimate opportunities. Some women admit, though, that prison was a chance for them to access psychological services for the first time and be introduced to recreational and therapeutic services such as: gym, yoga, fitness, theatre and other artistic endeavours.

A stressful environment for anyone, the experiences of women prisoners highlight their unique challenges and issues they face when compared to male prisoners. Women often describe their experience and the prison using terms such as: *horrible, the underworld, an ordeal, and a living hell.* This perception of the prison experience is augmented by having to accept living conditions different from the ones some were accustomed and living together with other people, but more importantly, by pains of incarceration such as loss of family and deprivation.

“That's what I don't understand, what's the point of punishment? You're punished and you go to prison, what's the point? I'm glad I went to jail because I saw who loves me and who doesn't
(Woman, pre-release)”

For many women prisoners, prison is considered a life lesson. Most prisoners argue that prison provided an occasion for them to grow up, to mature, and to realise the mistakes of the past. Most argue that they have

changed in prison and learnt the difference between right and wrong, and learnt to re-evaluate past relationships. Indeed, aging is considered in the literature one of the main causes for desistance, together with good marriages, stable work, and transformation of identity (see Laub & Sampson, 2001; Farral & Maruna, 2004). At the same time, talking about themselves in the past is a way of dissociating themselves from the mistakes of the past and provides a framework to make sense of incarceration.

Some people rationalize their criminal actions by framing them as essential sacrifices, viewing them as the only viable path to upward social mobility. This is true particularly for women prisoners. In their perspective, these actions were not merely mistakes or moral lapses, but calculated choices that they considered essential for climbing the social ladder. They may feel that conventional routes to success were either closed off or insufficient, leading them to see criminal behaviour as their only feasible option for achieving a better life. This form of justification can serve as a coping mechanism, allowing them to reconcile their actions with their broader life goals and personal identity.

Prison experience is put into perspective by the pains of incarceration women feel subjected to, especially deprivation and the loss of family. A significant number of women interviewed for this study faced financial hardship, sometimes verging on severe poverty, and reported not being able to afford basic items such as soap, shampoo, or cigarettes. Additionally, many Roma women complained about the lack of visitation from their loved ones, which suggests not only the challenging economic circumstances of their families but also the difficult material conditions they are likely to encounter upon their return. We include below an excerpt

“My life is to be near my children, to make a future for them, that's what every parent does, they owe it to their children. I have 10 children, the oldest is 10 and the youngest is 4. The hardest part was not seeing my family and not being near them. No one is like their mother and no one will wash them, make food, take care of them like I would. (woman, pre-release)”

from the fieldnotes that illustrates this predicament:

She was not visited during her sentence, and her mother sent her money twice (less than 100 euros for the entire sentence). She spent her money talking to her mother and when relaying her discussions home, she only talks about food and what she wants to eat after

release. This gives me the sense that deprivation is a fit word to describe her prison experience. After prison, she wants to eat a burger and drink a pepsi, which is what we will do once she is released. Her level of deprivation coupled with the fact that she was not visited ranks her lower in the prison hierarchy. Because of her twitch (the swinging), she says she was called by other inmates as boschetăriță or canalistă. I also witnessed some of the aggressions in my previous visits to prison (fieldnotes, November 24th, 2022).

Lack of visitation is indicative at the same time of the emotional hardships women face when separated from their children. As it is shown below, for Roma women, their sense of identity is deeply linked with their role as mother to the extent that it is hard to separate the two aspects (as indicated by phrases such as “I am a mother,” “I am a family woman”). In contrast, while male inmates do speak about their roles as fathers and husbands, these roles do not dominate their sense of self to the same degree. For them, fatherhood and being a husband are components of their identity, but not the sum total of it. As such, it is more common for Roma women to feel loss of family as a pain of incarceration. Separation from the family is articulated not only by limited visitation, but also as separation from the flow of events and routine conversations at home. One woman recounts, for instance, that she felt abandoned and excluded from family conversations, as her relatives chose not to disclose their hardships, knowing she might feel powerless while in detention.

And lastly, interviews are coloured by a deep disappointment with the legal system. The disappointment is articulated especially because of the lack of predictability regarding release dates. Even when the prison committees agree that a prisoner can be conditionally release, it is rather rare that the courthouse will give a similar decision, resulting in postponements and delays for prisoners. These types of interaction with the justice system shed doubt on the role of punishment, especially its efficiency in rehabilitating convicted people. In the words of a woman interviewed: “prison was torture, I didn’t do anything useful and it made me meaner. I don’t understand how they can release me when I’m not rehabilitated in the slightest.” While other prisoners are not as pessimistic, the uncertainty of release, coupled with the lack of communication between staff and prisoners about prison release, can make prisoners and their efforts to participate in courses, activities, and work feel invisible and meaningless.

PRISON EXPERIENCE AS A NIGHTMARE

[Prison was] an unpleasant experience you can imagine. I don't know how to explain it. I don't know, maybe it's homesickness, homesickness for family, having to accept living among certain people. It's been a hard transition. Extremely hard. Everyone has their own habits, or you can't do anything here. I live in a room with 12 people and at the moment there are 9 of us left, but it's a small room with one bathroom. Okay, I don't want to complain about the prison conditions. I know I'm here because I did wrong, and I have to pay for what I did. (F, MA, pre-release)

Prison is an ordeal. (F, DC, pre-release)

She spoke badly of prison, saying it is an awful place (horrible, the underworld, hell), saying, at the same time, that prison taught her a lesson. First, the lesson was to not commit crimes any longer, in a sort of scared straight manner, and second, to be more patient (I learned to be patient, what I used to do outside, I don't do here anymore, I don't get angry, I was a volcanic nature). (F, JP, pre-release)

PRISON AS A LIFE LESSON

I ended up...I don't know, I didn't realize I was going to end up here. I regret it, I'm sorry for what I did and I don't want to end up here again. (F, GL, pre-release)

[Prison was] a life lesson, not to repeat these mistakes. I grew up. I've changed for the better because I'm not so childish anymore, I know how to make better decisions, I know how to distinguish between right and wrong. Now I know how to choose between people who want what's good for me and people who want what's bad for me. (F, BDA, pre-release)

I've changed a lot. Before I didn't care what happened to me, I thought "that's it, I'll do 1-2 years and then I'm out". Now I see life as precious, I want to cherish freedom. I want to start a family, it's not too late. I thank God because I have a lot of faith, because He opened my eyes and I

started to see life as it is, to stop using drugs, to stop having friends who use heroin. The entourage brought me there. (F, BAM, pre-release)

I think I've grown up a lot because of this punishment. If I'd got it right the first time, I wouldn't have come again. I've always been locked up for picking pockets. Day after day, all I wanted to do was get money for heroin. If I didn't do drugs I wouldn't be here, I wouldn't have this life. I had 50 lei a day money from my mother, but no one would get along with me because I needed the dose. I had to make 500-600 lei a day. (F, BAM, pre-release)

PRISON AS A NECESSARY SACRIFICE

She thinks that prison was a sacrifice and that it was worth for her children. At the same time, she admits that her children often scolded her (fieldnotes, F, MP, pre-release).

My ex-husband decided to leave me when I went to jail the first time, even though the crime we did last time was for us, as a family, for our well-being because we were poor people. Not that we got rich afterwards but the situation somewhat changed (F, MA, pre-release).

LOSS OF FAMILY

My life is to be near my children, to make a future for them, that's what every parent does, they owe it to their children. I have 10 children, the oldest is 10 and the youngest is 4. The hardest part was not seeing my family and not being near them. No one is like their mother and no one will wash them, make food, take care of them like I would. (F, TC, pre-release)

She says she often felt abandoned and excluded from family conversations, as her relatives chose not to tell her about hardships they faced while she was imprisoned. (fieldnotes, F, JP, pre-release)

DISAPPOINTMENT WITH THE LEGAL SYSTEM

I thank God that my children did not choose to be judges because the world would hate them. I may be wrong for speaking now, but does any judge in this country think that the longer we stay in prison, then what? (...) You fight - you go to class, you go to work" (F, MP, pre-release).

"What did I strive to be a good person for if it didn't help? I've come to 47 to say that justice no longer makes any difference between a balanced person and a person who is not." (F, MP, pre-release)

I'm a bit demoralised now for the postponement they gave me, I wasn't expecting four months - indeed I had an incident report, but that's in 2020 when I hit a prisoner and I'm a repeat offender. I'm in prison for the second time. But I tried to prove that I'm okay. I went to all the activities, applied for jobs. As proof I have 4 recognitions, now I'm getting a fifth. I got involved in everything that meant activities in the penitentiary and even with these I got 4 months

deferment. It demoralised me, it disappointed me because once again I found out that people are not fair, that's it. (F, MA, pre-release)

I could say that in a more unpleasant way it changed me. Once again I was shown that life is unfair and people are unfair. And worse is that at least now, because of the postponement, it's probably this period, that I've entered, I haven't had a week since I entered the release board and it's this disappointment too, but when you're disappointed by people that you have expectations of, that you think are fair people, that they have positions and you find that they don't actually...that it puts you in with the others, they don't want to see the effort you put in and then it's difficult. (F, MA, pre-release)

Table 2: Prison experience, interview excerpts and fieldnotes

IMAGINING RELEASE BEFORE IT HAPPENS

“Release would mean everything. It means family, it means love, it means independence. Everything! That you're no longer dependent on anyone, no longer dependent on a petition, no longer dependent on anything. No more waiting for dinner or shopping day. Then I'll have to work to get these. If you want to have more you have to work for it. I'm aware that life outside is...not that it's harder...there you have to struggle with all the daily problems, here you just find out on the phone and think that others will find a solution. But I'm ready to go out and find the solution to the problems outside myself. (F, MA, pre-release)”

For prisoners, particularly women, the concept of release is permeated with a potent mix of optimism, hope, and the anticipation of a "rebirth" that offers a fresh start in life. This optimism aligns with criminological literature that identifies a strong correlation between hope and successful post-release behaviour. While most women express a "super-optimistic" outlook, anchored in the desire not to disappoint their families, a few convey ambivalence and externalize control over their future to divine will or societal reception. This divergence in perspectives reveals the complex emotional and psychological landscape prisoners navigate as they prepare for release, highlighting how factors like family and identity can serve as both motivators and deterrents in shaping post-release outcomes.

In spite (or perhaps because of) release postponements, release is imagined with great anticipation and excitement. Prisoners say that release offers them a chance to be reborn and to reset their lives and to start fresh. The anticipation and excitement surrounding the concept of release among prisoners can be deeply examined through various sociological devices such as, including identity transformation, social reintegration, and symbolic rebirth. For many inmates, the idea of release is more than just an end to confinement; it represents an opportunity for a 'rebirth,' a chance to redefine themselves and start anew.

Research participants use powerful words to describe release while in prison, such as “I can’t wait,” “I will be reborn,” or “it would mean everything,” all syntagms that denote the high optimism and hope that permeates their future trajectories.

IMAGINING RELEASE BEFORE IT HAPPENS

Can't wait. I'm counting the days. (F, TC, pre-release)

No comparison. It's priceless. Freedom is above all else. I've had times when I thought I'd rather have illness to carry, to be able to carry it, than to stay here. I would rather have diabetes than stay here. (F, MA, pre-release)

"I would be born again" (cries). I would start life from scratch. (F, MP, pre-release)

"I would be born again to be near my parents again" (F, GL, pre-release)

It would mean everything. It means family, it means love, it means independence. Everything! That you don't depend on anyone, you don't depend on an application, you don't depend on anything. No more waiting for dinner or shopping day. Then I'll have to work to get these. If we want to have more we have to work too. I'm aware that life outside is...not that it's harder...there you have to struggle with all the daily problems, here you just find out on the phone and think that others will find a solution. But I'm ready to go out and find the solution to the problems outside myself. (F, MA, pre-release)

I don't know how to explain in words, a very nice thing. (F, BDA, pre-release)

"I said if I could just give up my life 5-10 years ago on the spot, get out of here, I can't. It's the first time I feel like I don't have the strength to take the punishment anymore. Freedom is like absolutely nothing else in this world. And if I could give anyone advice, do anything not to end up here - it's hell on earth. It turns you into a meaner person. There's nothing like freedom. Whatever you have, you don't have here. (F, BAM, pre-release)

IDENTITY

In exploring the identities of Roma women prisoners, it becomes evident that their self-conceptions are deeply intertwined with familial roles, especially as mothers, wives, or daughters. This relational identity not only adds emotional weight to their separation from families but also influences societal judgments about their incarceration. Unlike men, who describe themselves using terms that conform to societal norms of self-sufficiency, women often define themselves through both internal qualities—such as being good, human, and God-fearing—and external roles that are dependent on others. These dual aspects of identity

serve various functions: they provide emotional anchors, shape plans for post-prison employment, and offer a framework to navigate the complexities and stigmas associated with imprisonment.

As mentioned above, the identity of Roma women prisoners is deeply tied to the domestic space. When asked to describe themselves, they are likely to refer to themselves as mothers, wives or daughters first. This may well be the reason why separation from family and children is experienced more acutely for women than for men and there are a few reasons for that. In Roma culture, it seems that women's identity is very tied to that of motherhood (see below, Identity). At the same time, women are more prone to having their children in the custody of the state and are tasked with making arrangements for getting their children back under their care. When they are not with the state, children tend to be with their mothers (if the father is incarcerated), or their extended family – mother, aunt, if the mother is incarcerated. For the latter, no formal tutelage is in place. Even if the male prisoners talk about being fathers and husbands, their discourse is not so deeply centred on being a father or a husband. Fatherhood is only a part of their identity and not their entire identity.

For women, identity talk is a mix of internal and external qualities and attributes. As such, women describe themselves as mothers and wives, all external attributes dependant on others. For women, these roles often provide a sense of purpose and motivation to navigate the challenges of incarceration, while for others, being separated from their families may serve as a painful reminder of what has been lost or put at risk. Furthermore, the constant reminder that they are mothers often complicates their stigma, as women are more often judged for being separated from their families due to incarceration.

“
I don't know who I am as a person. In prison,
I am nothing, I am nobody. This is how I feel.
Nobody cares about me.
(Woman, BO, prelib)
”

When it comes to internal qualities, women describe themselves as good, human, clean, and God-fearing. These qualities often come in contrast with the prison setting and are ways for women to distance themselves from other prisoners and from the prison context. Being good, human and God-fearing serve as reminders that they are more than their criminal records. An interesting aspect of their identity is the pride with which Roma women describe themselves as clean, as aspect highlighted by many women interviewed. This is doubled by their plans for employment after prison release, as most, if not all women interviewed plan to work in cleaning, usually for an apartment building, a point to which we will return later in this report.

Similarly, men usually talk of themselves in connection with external factors, and use words such as: “a simple man,” “a good person,” “family man,” or “just me.” It is less likely, however, for men to describe themselves first and foremost as fathers as women do. At the same time, using terms such *a simple man* or *a good person* points to social norms and gender roles that pressure men to present themselves as self-sufficient and able to cope with any situation. In contrast, women prisoners tend to identify themselves in roles that are more oriented towards others (such as being a mother).



Figure 4: Words women use to scribe themselves before release

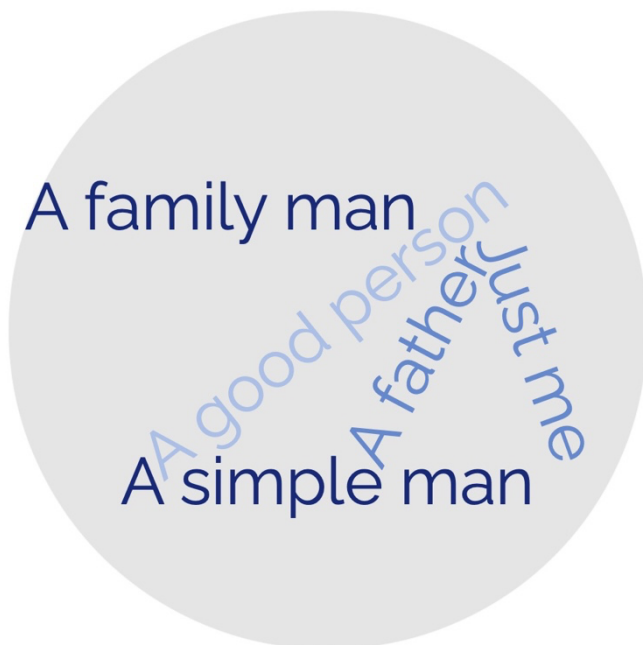


Figure 5: Words men use to describe themselves before release



Project no. 881970



DISCRIMINATION WITHIN THE PRISON WALLS

Since the report aims to identify, among others, discriminatory practices and experiences for (former) prisoners, it is important to note the notion of discrimination that the research has employed. In the Romanian setting, the research team encountered difficulties explaining the notion to research participants, as many were not familiar with the term. See below some extracts from the notes jotted down by the research team; they serve as indication that discrimination has multiple significations and partners is used to ensure we have a common understanding of the term. Do research participants understand what discrimination is? What emic understanding of discrimination do they have? A few of the women interviewed did not know what discrimination was and the researcher together with the prisoner had to figure out together an impromptu definition, usually around being treated differently than Romanian prisoners, or being treated differently on account of being Roma. Most of them argued that prison staff did not treat them any differently than the rest, and that the only tensions are between Roma and Romanian prisoners, the latter seeming more inclined to not associate with Roma women. Prison seems to have an equalizing effect and seems somehow democratic in the way ethnicity is managed. At the same time, this might be a form of bias, because for Roma women being discriminated against might be normalized, as they have been born into it and therefore do not know otherwise.

I had to reformulate the notion of discrimination several times during the interview as it seems it was difficult to assess what she understood by the term and that we both were working with the same notion. My questions were: were you treated differently because of your ethnicity/because you are Roma? Does it matter that you are a Roma in prison? For the latter, BAM says that it matters if you are a Roma in prison coming from a Roma family, because it's important to be educated, to not talk dirty, to be nice ("să fii cuminte"). As a child, she remembers that Romanian children were wary of engaging with Roma children. She describes Roma families are more welcoming than Romanians. At the same time, while she says she was never discriminated, her discourse is ripe with examples of ethnic mistreatment ("you gipsy, you crow, I heard it everywhere, from the bus to the stores, everywhere. Q: And didn't you feel bad? A: Of course I did and I still do, but I'd get into a fight with them to make them feel bad" (fieldnotes, woman, BAM, pre-release)

Departing from these observations, we distinguish between institutional discrimination and routine discrimination. It is important to mention that in the prison setting, access to financial and material resources determines to a certain extent one's place in the prison hierarchy. Since prison hierarchy is often determined by status, money, and visitation, it is more likely for Roma women to have access to fewer financial resources than non-Roma or to have family living too far away to afford regular visitation and bring packages and foodstuff, thus placing them lower in the symbolic prison hierarchy. Since Targsor is the only prison for women in the country, it adds to families' difficulties in visiting prisoners. It is not the same for men, as there are more prisons for men in Romania and the law stipulates that they are assigned to the prison closest to their homes, allowing thus for more frequent visitation.

Institutional discrimination manifests in a variety of ways within the prison context and the next section will discuss the most salient instances of institutional discrimination men and women recount. These are: name calling and ethnic slurs, perception of trustworthiness, medical gaslighting, and stereotyping. Although most prisoners declare that they did not feel discriminated in the prison setting, both often recount instances of name-calling or ethnic slurs. This suggests that discriminatory behaviours may be so normalized within the prison setting that they are not even recognized as such, a concerning indicator of system issues.

Furthermore, even if Roma prisoners ignore derogatory name-calling, their indifference does not negate the discriminatory act. See the table below for a few examples.

INSTANCES OF DISCRIMINATION IN THE PRISON SETTING: NAME-CALLING AND ETHNIC SLURS

She understands the concept of discrimination and says she has experienced it both in prison and in freedom. In prison she says she was spoken to badly ("come on, do it", "gypsy") until she complained. She describes her relationship with the penitentiary as good "they must be...let's take an example from them, because they are professionals, people with school, with training". (F, AM, pre-release)

When discussing about discrimination, she told me stories about at least two types of discrimination from the prison staff (especially prison security): verbal ('you gipsies, you crows') and behavioural (e.g. not being elected for work, not being selected for activities etc.). She seemed quite aware that this is not ok for her. (F, BAM_2, pre-release)

She also says that prison guards mistreated her often by calling her a crow, a derogatory term for Roma people. However, she does not seem to mind the name calling, she says she simply ignores it and goes on about her day. (F, DC, pre-release)

Furthermore, Roma prisoners feel that in conflict situations, prison guards tend to trust individuals of Romanian descent over Roma prisoners, a clear example of ethnic discrimination at an institutional level. This bias influences the outcome of disputes and disciplinary actions, possibly making it harder for Roma prisoners to have their concerns or grievances adequately addressed.

One of the major sources of contention for Roma prisoners regards medical staff in prison. All prisoners who interacted with the medical staff complain about discriminatory attitudes, such as vulgar language, inappropriate tone, and superficiality. Women especially feel gaslit medically, in the sense that they argue medical professionals do not believe them when they claimed illness, prompting a reflection that proper medical treatment is a legitimate right of prisoners. The act of dismissing or trivializing the medical complaints of prisoners, particularly women, adds another layer of psychological distress. This form of medical gaslighting can lead to misdiagnosis, lack of treatment, and a general deterioration of prisoners' health conditions, which is more acute in the case of mental or psychological disorders. When inmates have no other options for healthcare, superficial medical treatment is critical.

And lastly, the research team has observed several instances of staff stereotyping prisoners in relation to recidivism. Prison staff would sometimes joke about the Roma people that were to be released saying that they will soon be back as they are "one of ours." The side note about prison staff joking that released people, particularly those who are Roma, will soon return feeds into harmful stereotypes that can perpetuate cycles of discrimination and recidivism. Beliefs like these can have tangible effects, influencing how staff interact with prisoners, which in turn may impact those prisoners' chances of successfully re-entering society.

In prison settings, routine discrimination during daily interactions has a differential impact on men and women, particularly when it comes to navigating ethnicity. While men find it relatively easier to negotiate their ethnic identities, the dynamic among women—especially between Romanian and Roma women—is

more complex and fraught. This tension often results in subtle forms of self-segregation, as Romanian women appear less welcoming of their Roma counterparts. This landscape of daily discrimination and self-imposed separation highlights how gender and ethnicity intersect to create unique challenges and experiences within the prison environment.

POST-RELEASE EXPECTATIONS – PLANS, OPTIMISM, AND SUPPORT

In this section, we examine the preparation and mindset of prisoners approaching release. Specifically, we explore how these individuals formulate their plans for re-entry into society—are these plans solidly structured or remain vaguely defined? Furthermore, the report looks at practical arrangements, probing whether research participants have secured post-release accommodation, employment opportunities, and necessary identification documents. Additionally, we will discuss their aspirations and concrete plans for life after release. Finally, we gauge the level of optimism among prisoners regarding their prospects upon re-entry. Through addressing these questions, this section aims to provide a comprehensive overview of the complexities and challenges that prisoners face as they transition back into the community. Plans usually involve family reunification, coupled with prospects of becoming economically active. The latter is imagined either by going abroad (especially for men) or women finding a domestic job usually cleaning for an apartment building. Women seem more likely than men to deal with state and apply for benefits. A small minority of those interviewed plan to deal with health issues once release, continue education, and change residence, especially if that is connected with their previous criminal careers.

Many prisoners appear to have little to no concrete plans for their release, extending even to the logistics of release day itself. Uncertainty pervades basic considerations such as how they will reach the train station or whether they will have sufficient funds to make it home. While prisons do provide money for transportation, it is often the cheapest fare available, transforming what could be a straightforward journey into a protracted ordeal. For instance, a trip from Bucharest to Moldova region (a common destination for research participants who are released from Târgșor) that should take five hours could extend into a 13-hour journey with multiple train changes. Adding to this uncertainty is the lack of informational support from prison staff, who offer little guidance on bus and train schedules. This pattern of inadequate planning and limited support is exemplified by a case of a homeless man who, despite having resources available through the prison, postponed accessing them until the day of his release, resulting in his staying in a homeless shelter. This absence of preparation and information illustrates a systemic failure to adequately prepare inmates for re-entry into society.

At this point, most prisoners' plans are vague and there are prisoners who refrain from articulating plans due to the uncertainty of release. Generally, for both men and women, plans involve first and foremost, reuniting with families, with women being more preoccupied with intergenerational upward mobility. This preoccupation is more visible for women who highlight the importance of education and attending school. Many of these women express the belief that a robust educational background could have steered them away from a life of crime. As a result, they are highly motivated to ensure that their children receive better educational opportunities to avoid a similar fate.

“ I live here and now. I don't make any plans because who knows when I'll get out?
(Woman, MP, pre-release) ”

Second, while incarcerated, detainees hope to become economically active. Most people in prison interviewed have worked in the informal sector and have little formal job experience. Consequently, the plans for securing employment are usually very vague. As such, among male inmates, the prospect of going abroad is frequently viewed as a viable route to achieving financial independence. On the other hand, female inmates commonly aim to find employment in fields that do not require extensive qualifications, such as janitorial work in apartment buildings.

While women appear more inclined to seek state benefits and social welfare supports such as emergency aid and VMG, it is important to note that this observation may be influenced by specific demographics and should not be generalized. In our experience, the women interviewed at Targșor were all Roma and at risk of poverty, which could make them more likely to apply for these benefits. This discrepancy suggests that the observed behaviour might be more nuanced and could be better understood through the lens of intersectionality. In this context, multiple factors like ethnicity (Roma), financial status (poverty), societal attitudes (discrimination), educational level (poor education), and personal experiences (abuse) intersect, potentially leading to feelings of helplessness and a reliance on state assistance.

A small minority plan to deal with health issues they have identified but failed to treat while imprisoned. See below an example that illustrates the situation and further underscores prisoners' lack of trust in the medical system in prison:

I recently noticed a lump in my breast, but didn't tell anyone. I'm going home, I want to go home. I didn't want to go here in the consulting room. I kept pulling to go to work and thought if I go to the surgery and something is discovered, I'm saying goodbye to any chance (of being conditionally released). I don't want the prison management to see me as a problem. I didn't want to bother anybody. Nobody here solves your health problems anyway. You can't cure a lump with paracetamol. (Woman, MA, pre-release)

Some individuals express intentions to further their education, yet much like other aspirations voiced during interviews, these plans often lack concrete steps for realization. Similarly, others plan to block all potential obstacle by disassociating from toxic environments and friends:

First of all, my grandmother lives in the neighbourhood where I used to get high, in Ferentari. I'm not strong. I'm very weak and I'm afraid of using again. Another obstacle is friends. Another one...the situation outside, because I don't have a very good situation and I'm afraid that poverty might push me into crime or drugs again. (Woman, BDA, pre-release)

OPTIMISM

Despite the general lack of planning, most prisoners express high levels of optimism regarding post-release outcomes. Optimism and hope are viewed in the criminological literature as pertinent indicators of post-release success. As such, criminological literature indicates that prisoners' level of hope is a strong predictor of post-release behaviour (see Burnett, 1992; Burnett & Maruna, 2004). In a study of 130 property offenders interviewed pre- and post-release, Burnett and Maruna (2004) show that those who were optimistic about going straight were significantly less likely to commit new offenses and had a lower rate of reincarceration (40%) within ten years, compared to those who were sceptical (70%).

The majority of women interviewed are super-optimistic about their post-release prospects, while only a few express ambivalence coupled with destiny talk or reliance on the goodwill of others. As such, when asked if they think they would return to prison, those super optimistic say that they would rather die than return to prison and explain that re-offending is deeply tied to disappointing their children and families. Optimism is linked discursively with fear of re-offending and it is possible that for women, whose identity is construed around the notion of motherhood, family may serve as a deterrent against re-offending. These women are likely to not see any possible obstacles in their life after release or that the obstacles they foresee are surmountable through self-will and determination.

Those who show ambivalence towards post-release prospects invoke God's will which they see as determining their destiny. One woman explains: "tomorrow does not belong to you, it belongs to God, you never know what will happen in this life" (Woman, TC, pre-release). This form of externalizing control over their lives shows once again, the structural uncertainty and lack of predictability of life after release which can be countered by a more realistic approach towards preparing for release. Other women invoke the goodwill of others and rest their reentry outcomes on how society will receive them:

I'm positive, I think everyone is good. I don't think I'm going to have any obstacles....I don't see...I'm a civilized, educated person, probably if I go to get a job I'll tell them straight out that I was in prison, but ask for the chance to reintegrate. Give me a chance to be an honest person. My kids support me, my brother and mother support me. I really believe I won't have any obstacles. (Woman, MP, pre-release)

HELP AND SUPPORT

Families serve as a pivotal support network for inmates, both during their incarceration and as they reintegrate into society. They often provide essentials like care packages, food, money, and regular visits (Anker & Wildeman, 2021). In certain legal systems, family involvement can even boost an inmate's odds of qualifying for conditional release. Studies have consistently shown that strong, stable family and community connections contribute to reducing the likelihood of reoffending (Laub & Sampson, 2003; Visher & Travis, 2003; Mills & Codd, 2012; Williams & Booth, 2012; Cochran, 2014). At the same time, research from the UK indicates that a significant percentage of newly-released individuals—between 40 and 80 percent—depend on their families for critical post-release needs like securing a job, settling debts, and finding housing (Weaver & Nolan, 2015).

This research has identified sensible gender differences in visitation patterns. Men tend to be more visited than women and are more likely to mention their nuclear family as the main source of support after prison release. As mentioned above, prisons for men are more numerous and evenly spread throughout the country, facilitating thus family visitation. There is only one prison for women which houses women from all over the country, making it more difficult for families to visit. Furthermore, this has practical considerations as well, as women are less likely to receive packages and foodstuff, exposing them further to the risk of poverty. Women mention their elder children as the main source of support during prison and after release, followed by extended families.

ANTICIPATING STIGMA

It is more common for imprisoned women to anticipate stigma than men prisoners. On one hand, Roma women feel ashamed to return to their communities after having served time. This has several possible

explanations. Roma women often bear a greater burden of upholding the family's honour, which can make incarceration particularly stigmatizing for them. Traditional gender roles, the expectations tied to motherhood, and heightened community scrutiny can also exacerbate this sense of shame. Moreover, Roma women may already be at a social and economic disadvantage, which can make the stigma of imprisonment even more damaging.

ANTICIPATING STIGMA

If I go home now, I'm ashamed to have coffee with friends. Cause I've done time. We're ashamed. It's a shame for me that I did time. I feel offended too (Woman, TC, pre-release)

Yes, I expect so. For example, the neighbours. They look at me differently. My daughter had an incident with the apartment block manager where he referred to me as "that jailbird mum". (Woman, MA, pre-release)

I know what it means, that we have been and are treated differently. The neighbours have a repulsion towards me, that's how I felt, they look at you strangely, they see you as a "jailbird". Likewise, at work no one will take you in if they don't know you because you need a criminal record. And last term my godfather asked me to work at the winery. I told him I'd think about it. And I thought about it so much that I joined this circle of people who brought me here. (Woman, TA, pre-release)

RELEASE DAY

As mentioned throughout this report, prisoners have no concrete plans for their release, including arranging logistics for the travel from the prison to the bus or train station. This situation is more acute for women, especially those who have to travel longer distances to their destinations. With few exceptions, the women interviewed relied exclusively on the research team to take them from the prison to the train station, explaining they had no other means of getting there:

Today I picked up BAM from Titgsor Prison and brought her back to Bucharest. She was from the start very friendly and open. She openly admitted that she has no idea how she would get to Bucharest if I would not be there. She seems to believe that the release paper (foaia de liberare) would entitle her to travel by bus and tren. No money whatsoever (Fieldnotes, October 29, 2022).

When I picked her up from the prison she seemed very calm and confident, in contrast to the claims that she only has 11 lei (n.a., 2 euros), she doesn't know how she would have arrived in Bucharest and she doesn't know where she will sleep because nobody answers her phone. On the way I tried to call the numbers she had given me: some were not in the country, and those in the country were not working or nobody answered (Fieldnotes, October 11, 2022).

At the very moment of release, it is obvious that the woman might have some psychological issues as she is not able to focus on the prison staff's instructions on the use of the release form, the instructions on the way home; she has a number of pieces of luggage that cannot be carried all at once by one person, useless and amalgamated - old clothes, shoes from another season, kitchen dishes. In the car I try to find out if she knows what she has to do, if anyone is waiting for her, but I find that she is incoherent, expansive and generally out of touch with reality. No one is waiting for her. She also confirmed that she has received about 40 lei from the prison, which she takes out of her pocket to show me and some banknotes she drops in her car (Fieldnotes, December 6, 2022).

Like other women from Moldova, SZ was given upon release 31 lei. The train ticket to Bacău cost 82. SZ and another woman who was released today recalled several stories from other women who were released with similar travel money, got on the train with their release papers hoping the conductor would understand, but were forced to leave the train. Obviously, I cannot take these stories at face value, but for them, they serve as cautionary tales and are emblematic for the care the state affords former prisoners. SZ was very scared that she would not manage to find her way through the train station and get on the train to get home. She said she was afraid of men, especially Roma men who were raised Romanian and was terrified at the prospect of being chased after at the train station (Fieldnotes, January 25, 2023).

On the day of the release, he said he cannot go there as his brother lived with his family and had no room for him. He suggested we take the bus from Jilava prison, but since I was driving, we got in the car. I asked where we should go and he suggested a shelter in Rahova neighbourhood. I also asked if he had any plans or ideas on how to proceed further. He smiled and said that it was good to have someone pick him up. On our way to Bucharest, he remembered he had previously attended a religious program in prison and had contact numbers. He called one church member whom we met at a nearby gas station. In less than 15 minutes, he came, and we started discussing options for MN. He was very upset because the church had sent him money and stamps to contact them before release so that they could arrange accommodation for him. MN stated that he had no time to contact them (Fieldnotes, February 16, 2023).

The examples above are by no means singular, on the contrary, they are indicative of the precarious preparation for release that affects Roma women disproportionately and the type of support they will receive in the following period after release. The experience is strikingly different for Roma men. Typically, upon their release from prison, Roma men are greeted at the gate by numerous members of their extended families. This shows a form of kinship solidarity that often persists for at least the first six months after they have been released.

As observed in this research, Roma families are usually more welcoming towards men than women. Roma men are usually welcomed with parties, barbecues, and the whole kin reunites to celebrate the release. Traditional gender roles may dictate that men are the primary providers or protectors in a family. As such, their reintegration into society and the family might be viewed as more urgent or important, prompting more immediate and extensive family support. Furthermore, for women, which are traditionally associated with domestic roles (mother, caregiver), incarceration is viewed as a greater transgression. Women often express that their families are ashamed of their prisoner status and refuse to visit:

I have three other brothers, I talk to them. I just spoke to one of them, he's going to send me some money. They didn't come to visit, my brother told me they could never see me in this position. But they are there for me, as much as they can, they help me. (Woman, MA, pre-release)

ONE WEEK

Upon release from prison, both men and women often describe the initial week as a transitional phase during which they acclimate to life in the outside world. This week is frequently likened to a "honeymoon period," characterized by quality time spent reconnecting with family members in an attempt to compensate for the years or months of separation. During this time, many former inmates reveal that they predominantly stay indoors, enjoying the intimate company of their relatives.

ROUTINES IN THE FIRST-WEEK AFTER RELEASE

Believe me, I've stayed in the house, I've stayed with the kids, but I don't really fit in, not really. I mean, I'm not really comfortable with the family, I've been there for so many years, I'm not really comfortable anymore. (Woman, BAM2, one-week)

Since I've been released, for about 10 days, I haven't done anything, I've only stayed with my boy, I took him to the mall... I don't want to be on the streets with the bums... (Man, IC, one-week)

In terms of mobility and location preferences, ex-prisoners tend to restrict their movements to familiar and safe areas. The destinations they choose to visit are typically limited to either nearby shopping malls or the homes of extended family members. Such limitations in their geographical movements can be attributed to a deep-seated fear of encountering toxic environments or individuals that could potentially trigger a relapse into criminal activity. The objective is to minimize the risk of recidivism, as many ex-inmates become wary about their prospects after release and wish to steer clear of any influences that may lead them back to prison. Furthermore, family and kind represent for Roma former prisoners a source of support, and a coercive force and a deterrent for engaging in future criminal activities. Roma former prisoners report that they prefer to spend time with their families in an effort to avoid making mistakes:

I stayed indoors, in my house. I told you many times that I don't want to get back to my old ways, I don't want to have business with anyone. That's why I rarely leave my house. I'm already sick and tired of these people, always calling for me and inviting me places. They make fun of me saying that I'm used to prison, that prison is the reason why I don't talk to them, why we don't go on walks any longer, why we don't smoke together anymore. They smoke pot and I choose to not care. I mind my own business, I stay indoors with the kids (Woman, BAM2, one-week).

While these general trends hold true for both genders, women appear to experience a more challenging time in readjusting to life outside prison walls. Some women report feeling a heightened sense of surveillance, as though they are being watched or followed. Others find it disconcerting to adapt to the comparative quietness of the outside world, which contrasts starkly with the constant noise levels they became accustomed to while incarcerated. These gender-specific challenges add an additional layer of complexity to the already daunting task of reintegration into society.

At the same time, women tend to experience feelings of shame related to their prisoner status and report that the people they casually meet harbour instant dislike for them both as a former prisoner and a Roma person:

When I go out, I get the feeling they look at me so mean. That bothers me. I mean, remember when I told you that if you compare a Romanian woman with a gipsy woman, the Romanian woman always comes on top? The Romanian women who see me on the street always look at me funny: "look at this jailbird, fresh out of prison, look at her, look at how she looks." Q: How would they know you've been to prison? A: They know me, a lot of them know me. It's so suspicious. ((Woman, BAM2, one-week))

Most of the support former prisoners receive during the first week after release usually comes from members of their extended families. As underscored in various parts of this report, the importance of familial bonds, or kinship solidarity, is particularly significant for Roma prisoners. This sense of interconnectedness and mutual support not only plays a pivotal role during their time in prison but also remains essential for their successful reentry into society post-release. In the context of Roma communities, this reliance on extended family is often rooted in cultural norms and longstanding traditions that emphasize the importance of kinship ties. These relationships offer emotional sustenance, practical assistance, and sometimes financial support, serving as a safety net during the precarious period of re-adjustment following incarceration. Given this strong reliance on family, it raises questions about what could be achieved if formal state-sponsored support systems were also available to supplement these organic support networks.

Interestingly, Roma former prisoners also identify the state as a potential support mechanism, despite the absence of any formalized structures or programs in place at the current moment. This suggests a

“She was picked up from prison by her partner and, partly because of her lack of hope regarding the outcome of the trial, kept her prison release a secret. Once she arrived home, she surprised her parents and children. JP says that she spent most of her time indoors, as she wanted to make up for the time lost with her children. She lives now with her father and her children, at least 6 crammed in a 2-room apartment. She shares a bed with her children. She still has social housing from the city hall, but her family was forced to burn the furniture for heating, leaving the apartment uninhabitable. She relied on her family and friends for financial assistance, but says that it's difficult to wait for others to help. The most difficult obstacle was financial, as she has no source of income and seems impatient to get back on the horse and move back home. She did not interact with any state institution (she spent most of the time at home) but plans to do so because she has a pension and heard of some low income vouchers she could receive. (Fieldnotes, March 3, 2023)

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recognition of the potential role that governmental or institutional support could play in easing their transition back into the community. However, the lack of formal arrangements means that, as of now, the primary source of support is largely limited to their familial networks. It is important to note, nevertheless, as a possible recommendation for state actors, that should the state provide support for prisoners after release, there are good chances of it being accessed by Roma former prisoners:

I want to go to the Mayoralty to see if they can give us something for the holidays (Christmas) and then maybe some work (Man, GF, one-week)



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*I want to go to the Mayoralty and maybe find work on one of those cars that cleans the street
(Woman, BAM2, one-week)*

The biggest challenge mentioned by research participants was the lack of money and having to rely on partners, parents, or other members of the extended family for necessities.

A few mentioned securing identity papers. The Romanian law (Emergency Ordinance 97/2005) stipulates that in order to secure identity papers, people need to have their birth certificate, together with proof of residence, namely property papers. The absence of property paper is a well document issue affecting the Roma populace in Romania. Public statements from the president of the National Agency for Roma argue that half of Roma households do not have property papers (Vasile, 2014). One of the studies that underpins the National Inclusion Strategy states that 42% of Roma people declare that they live in a house, but do not have property papers, compared to the 13% of Romanians in the same predicament (see Government Decision 560/2022). Reverberations of this situation are acutely experienced by Roma former prisoners who argue that they have issues securing documentation in the absence of property papers.

The plans outlined by ex-prisoners at this stage seem somewhat disconnected from reality. Despite a lack of basic preparations for life after prison, like securing identity documents, some even contemplate launching businesses that would require substantial initial investments. However, a prevailing sense of optimism about the future is evident among all former inmates interviewed.

ONE MONTH

The month after prison release marks an important moment for former prisoners as they become acutely aware of the challenges of freedom and experience the necessity of reciprocity towards their families. In other words, participants feel the need to start contributing to household expenses and become economically active.

FINANCIAL ISSUES ONE MONTH AFTER RELEASE

Now only my wife works but the money is not enough, we have 4 children, my brother lives with us and he is disabled, these old people cannot work anymore. (Man, GF, one month after release)

It's hard, there's nothing, my parents are also arrested, I have to go to visit, the partner is in England, the child's mother is also away. I have to start going to the signing when they call me (n.a., to the probation service). And the child said to me, you'd better go so you don't end up in prison again, so I don't die for a few months and then I'll see you, but I know you're free. Well, I can't leave until they call me to sign, or they might revoke my conditional release. (Man, IC, one month after release)

I was begging at church and a girl with a baby was begging and she took pity on me and took me to her brother's house. The plan was to go to some religious cult. I told her I lived on the stairs of a block of flats, people would let me stay there if I didn't make a mess. (Man, MN, one month after release)

At this stage, desperation takes central stage in former prisoners' narratives as they express feelings of hopelessness. Male participants seem to have greater issues with not being economically active in comparison to women, who tend to rely on the familial support for a longer period of time. One participant mentioned that he was considering selling the family house to make ends meet, while another resorted to begging at a church. See below two excerpts from the stories of one man (EM, or "Emanuel") and one woman (DC "Carmen") struggling to cover basic expenses. Both Emanuel and Carmen are struggling to make ends meet. Emanuel is unable to pay bills and is considering resorting to crime or going abroad. Carmen also has no money and is unable to secure employment. Both participants express desperation and hopelessness and seem trapped in cycles that are difficult to break out. Emanuel is contemplating going back to criminal activities, and Carmen had already been arrested for the same type of crime that led to her initial imprisonment. Both show little initiative in navigating through their respective institutional systems. EM gives up easily when asked for his criminal record, and DC is unaware or uninterested in institutional resources that might help her find a job. At the same time, it is worth noticing that both participants face challenges that may be exacerbated by their genders. Emanuel seems overwhelmed by bulls and traditional responsibilities associated with the family provider. Carmen's narrative hints at vulnerabilities that might be gender-related, as she expresses the lack of employment opportunities in the area.



Mr. EM was waiting for me at the entrance of the supermarket together with his brother. Apparently, they were talking about how he could sell his house with his former wife and split the price among them. He looked very frustrated, even angry that he could not find any job and saw no solution to make a living. He seems to be overwhelmed and tired of so many bills to pay. He has to pay the electricity bill now - up to 1300 lei - and he has no money. He also fears that the landlord will evict him out of the house for not paying the rent. Furthermore, he was trying to sell his wife's shoes to make money to buy some food. The situation is quite desperate. He is already talking about resuming crime or going abroad. However, he knows he has no money to buy for the trip or survive at least for a while abroad. He heard people doing that in order to survive, but this direction seemed inaccessible to him. It was striking to see how easily he gave up. If an employer asks for the criminal record, he simply does not go there anymore. He seems to be seeking confirmation that nothing good will happen to him.

At this point, the option of going abroad articulates as a pertinent trajectory for most participants. Some even say that without this option, they would have no chance of making it, especially with the stigma



I called yesterday, and her brother was desperate because they heard that DC was arrested. Her mother hitchhiked to Iași (they live in a village nearby), went to the police station where she found out that DC was caught stealing from the supermarket, was arrested, kept on remand, and released three days after (same offence she went to prison for initially). The mother does not know what to do or how to approach the situation. I managed to talk to DC. She has no IDs and no way to get her IDs sorted. She also has no money and no way to secure employment. The only possibility for her is to work as a day worker, but that is difficult because there are few jobs during the winter. She doesn't mention any institutional resources available for finding a job, which complicates the procedure for issuing new IDs. She has a drinking and drug problem that she says she gave up, but that seems difficult to believe, especially since she has spent most of her time after release with unknown whereabouts. Her main concern is that she has no money; she says she wakes up in the morning with no cigarettes, coffee or soda and spends her days crying. Except for shoplifting, she shows little initiative in becoming economically active.

attached to former prisoners. This stigma is further exacerbated, participants argue, by the Roma descent, which makes them unlikely candidates for a job. The lack of formal education or training, coupled with their criminal records is better explained by a man interviewed one month after release.

I asked him what he would do if there was no "England" option and he said he wouldn't have a chance: he has no job, he doesn't know how to do anything except as a driver, but he has tried in various places even now and is refused because he has a criminal record. "I don't know what the law is like but most likely potential employers refuse to mess with a gypsy out of prison" for fear of incidents or simply anticipating customer reluctance and business damage because of this. (Fieldnotes, man, IC, one month after release)

THREE MONTHS

Three months after release, former prisoners seem more settled into their lives. Most of the women interviewed managed to find jobs and a few followed leads and opportunities abroad. When compared to men, women seem to be more resilient in navigating the post-release challenges. Furthermore, a few realise that prison is no longer mentioned in daily conversations and go to great lengths to dissociate themselves from their past. The women who mentioned feeling watched or followed also discarded that sensation as well as other symptoms of the prison syndrome. None of the women interviewed mention facing any stigmas regarding their past criminal records. These women demonstrate that empowerment post-incarceration can manifest in various forms—economic self-sufficiency, the autonomy to make career choices, and the cultivation of personal well-being and optimism for the future.

She is now working in the UK, she works as a maid in a hotel near London. She earns about 12 pounds an hour, about 90 a day, she is very happy with the wage, but most importantly that she earns money and doesn't have to rely on her family to give her money. She said that waiting for them to give her money is akin to waiting from the prison to give you food or take you out for work. Moreover, it appears she accumulated a bit of debt while in prison and now has to pay back the money (Fieldnotes, woman, JP, three months after release).

She found employment at the steel factory as a cleaning lady, but she quit shortly afterwards because she felt endangered by the working conditions. Her family also advised her to drop the job, as they would continue to support her similarly to how they did while she was imprisoned. While in prison she said that she would go abroad for a few months to work, but her plans changed after release as she doesn't want to be separated from her family again. Now is will start work as an assistant cook. She found employment in her vicinity and says that she applied like a normal person would, was asked for ID and a CV and given a job. She was never asked for the criminal record. Also, she never had issues in the community about having a criminal record. (Fieldnotes, woman, VC, three months after release)

She seems to be very well. She moved houses with her new boyfriend. She upgraded her work contract to 8 hours a day. Salary seems fine. She does not feel 'looked at' by the others any more. She seems to enjoy life. Her plans are to go see the sea with the kids and fix her dental issues. She seems optimistic about the future. (Fieldnotes, woman, BAM2, three months after release)

Men, on the other hand, feel more easily discouraged by the various challenges they face and sometimes attribute their lack of success to external factors, such as feeling discriminated on account of their criminal record and Roma descent. This suggests that men might be more prone to externalizing their difficulties, attributing their lack of progress to societal prejudices rather than internal factors or choices.

I don't stand a chance, in this country you can't. I tried Bolt, Uber, they won't hire me because I have a criminal record. I don't know how to do anything but drive cars. (Man, IC, three months after release)

He was quite down and disappointed. he was employed for two weeks to clean a local market place but the salary was very low (especially as he is smoking heavily) and the work was quite intensive. He claimed that he had not free day, not even Sundays, when he had to work until 14.00. On top of



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that, he was asked to produce a copy of the criminal record. He thinks that seeing that he will be dismissed. He claims that the manager told him that if the records are not clean he cannot be hired. (Fieldnotes, man, EM, three months after release)

This is the only chance, to move abroad. This state does not give us any chance. How can I live off 200 euros a month having four children? The state should change (man, FC, three months after release)

GOOD PRACTICES

MAIN CHALLENGES OF ROMA PEOPLE BEFORE AND AFTER PRISON RELEASE

In the Romanian context, Roma individuals who have been incarcerated encounter multiple obstacles as they transition from prison back into the community. These difficulties arise from a variety of factors, such as limited educational opportunities, missing legal documents—especially those related to property ownership—absence of formal work history, and the societal bias and stigma tied to both their ethnic background and criminal history. We outline them below:

- ⇒ **Invisibility and lack of representation.** The National Administration of Penitentiaries as well as other Romanian public authorities display a lot of caution when addressing the Roma population in prison. Consequently, ethnicity data is not collected, leading to a dismissal of the specific vulnerabilities that Roma people may face in prison, the lack of awareness regarding the needs of imprisoned Roma people, as well as an overall invisibility in the public discourse. Furthermore, although there are a few Roma-led NGOs in Romania as well as a National Agency for Roma, they rarely (if ever) advocate for the rights and needs of incarcerated Roma, leading to a lack of representation for Roma individuals involved with the criminal justice system.
- ⇒ **Roma people in prison, especially women, are at risk of extreme poverty.** This research has identified numerous instances where Roma women did not have money for essential products, including soap and shampoo, nor did they have money to get in touch with their families to inform them of their release. These situations are indicative of the poor financial resources that extended families have at their disposal but indicate that this is an area that the state could cover with different forms of social assistance.
- ⇒ **Lack of support after release.** At the moment, the state does not offer support or assistance to former prisoners, except for money to get to their last place of residence, which often does not cover a regular train fare. While it is controversial to advocate for financial measures for former prisoners, assistance could and should include rehabilitation programs, support groups for former prisoners, drug and addictions programs and so on.
- ⇒ **Limited educational opportunities.** The Roma people interviewed for this research have precarious education, and for a limited sample, education and basic literacy was achieved while imprisoned. Lack of formal education hinders their employment prospects after release and exposes former prisoners to precarious work, such as working without contracts, day work, exposing them further to stigma and social exclusion.
- ⇒ **Documentation.** One of the major challenges research participants face after release is securing identity papers. Since the process is tied to residence and property papers, ethnicity further excludes them from the basics of citizenship.

DISCRIMINATORY PRACTICES

- ⇒ **Discrimination** is deeply ingrained in the prison system, manifesting in ways that both male and female inmates often articulate but seldom identify as prejudiced behaviour. These forms include ethnic slurs and derogatory name-calling, judgments about trustworthiness, medical dismissiveness (or gaslighting), and stereotyping. Even though most inmates claim not to have experienced discrimination, both men and women frequently report incidents involving name-calling and ethnic slurs. This implies that discriminatory actions may have become so ingrained in the prison culture that they go unnoticed or unacknowledged, signalling a troubling systemic issue.
- ⇒ Interviewees mention two ways of navigating **tensions related to ethnicity in prison**, which can be categorized as a fight or flight response. First, there is a fight response where a limited number of prisoners filed complaints against prison staff for name calling and ethnic slurs (such as “hey, gipsy” or “crow”). When prison staff learnt the possible consequences of this behaviour, their behaviours towards the plaintiffs allegedly changed. The complaints served as a means to hold them accountable for their actions. Over time, this might discourage such behaviour, leading to a more respectful environment, which enforces the idea that prison staff should be involved in sensitivity training on how to navigate multi-ethnic settings.
- ⇒ Secondly, the more common response is a **flight response, where prisoners avoid confrontation altogether**. This could involve staying clear of certain staff members known for their derogatory remarks or even avoiding interactions that might lead to conflicts. In prison settings, where the power dynamics between prisoners and staff has consequences, understanding these dynamics is vital for prison reform.
- ⇒ **Women complain more than men about navigating ethnicity while imprisoned**. Men tend to internalize their experiences, leading to fewer outward complaints about ethnicity-related issues while incarcerated.
- ⇒ **After release, however, men invoke ethnic discrimination to account for their failures more than women**. The men interviewed mention feeling discriminated against but fail to give examples of situations where they were prejudiced. One possible explanation stems from the pressure men feel in the role of providers for their families, and invoking ethnic discrimination might be a way of rationalizing their challenges of securing employment and successful re-entry.

GOOD PRACTICES

At the moment, there are only a few resources that Roma people can access after prison release. We mention kinship solidarity, the existence of formal social structures that have the potential of assisting prisoners during and after release.

First of all, the main source of support for Roma people who have been convicted is their families, in particular extended families. As such, it is clear that **kinship solidarity is crucial for Roma detainees**. This web of mutual aid and relational ties is vital not only during their incarceration but also as a key factor in their successful reintegration into society after release. Within Roma communities, this reliance on extended family stems from cultural practices and deep-rooted traditions that underscore the value of family bonds. These connections provide emotional nourishment, hands-on help, and occasionally financial support, acting as a stabilizing force during the unstable phase of reacclimating to life outside prison. This heavy dependence on familial support raises questions about the potential benefits that could arise if government-sponsored support mechanisms were introduced to complement these existing, organic support systems.

Second, as mentioned above, there is a **National Agency for Roma (NAR) and a few Roma-led NGOs that can advocate for the rights and needs of imprisoned Roma people and even provide support after release**. As it read on the NAR website, “the agency develops the Government's policy and strategy in the field of respecting, promoting and affirming the rights of the Roma minority. The National Agency for Roma implements, monitors and evaluates the measures in the sectoral areas of intervention contained in the Romanian Government's Strategy on Roma Minority Inclusion.”³¹ In order to better address the unique challenges of Roma individuals, correctional facilities should contact NAR and Roma-led NGOs in order to ensure that they have the means of dealing with ethnicity properly in the prison setting. Furthermore, these organisations should be involved in advocating for the rights of Roma people and ensure that no infringement of rights occur.

Third, since Roma former prisoners complain about their interaction with the state, there are institutions in the community they can access. One such institution is that of the **Roma mediators in the community**. Roma mediators serve mostly in the medical and educational settings and facilitate the dialogue and interactions between Roma people and state representatives. Together with the social worker they can put former prisoners in touch with the available resources for successful re-entry.

It is important to mention, however, that at the moment, there are few state resources a former prisoner can actually access. The availability of several Roma institutions and organisations can serve as solid base for the success reintegration of convicted Roma people.

³¹ <http://anr.gov.ro>

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BULGARIA



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ETHNOGRAPHIC REPORT (BG) – SUMMARY VERSION (the complete version to be found in a separate pdf annexed to this Report in BUL)

This review summarizes the main problems with the reintegration of Roma offenders and the best practices identified during the ROMA OFF-IN field research, as well as the specific cases and the ways to deal with them.

1. Introduction

Ethnographic research and report were the initial stage (from 01 February 2022 to 30 April 2023) of the field work activities of the ROMA OFF IN project, under WP2. The activities envisages – Access to the Prison (Activity 2.2), Activity 2.3 – Methodology refinement. Recruitment and selection of the participants, Fieldwork and Data analysis and interpretation and Conducting interviews with offenders before and after their release was the essential part of the WP2 field work. And the result was the production of the Ethnographic report. The activity covered all targeted offenders in 4 Bulgarian prisons. The report was developed using a pre-established methodology, developed by the Romanian team.

The report turned out to be a little bit longer than the initial estimate of 60 pages, ranging to 81 pages.

The report was published in Bulgarian in electronic version (*copies will be delivered to the participants at national final event*). The report presents detailed findings, transcriptions of parts of the interview's questions & answers for interviews, data, analysis. The report was based on the evidence of 30 respondents – finally 28 (out of 65 interviewed).

Background

In the end of 2021, The Bulgarian Helsinki Committee (BHC) started work on a research project "*Between integration and reintegration: Working with Roma prisoners*" (ROMA OFF-IN).



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The WP2 aimed to conduct an in-depth study of national legal norms concerning resocialization and the national specific policies for the social reintegration of offenders and lastly the relevant policies contrasting Roma discrimination as well as the European framework of standards both on Roma social reintegration and offenders' resocialization (European Prison Rules, CPT Reports, ECtHR case law).

Moreover, this Workstream aimed to study the post-release experience of Roma offenders from an ethnographic perspective to gain a deeper understanding of the subjective experience of the Roma ex-prisoners in the process of their return into society. Based on this account the team selected a set of best strategies found in Bulgaria and presented them in the Ethnographic report.

The focus of the mapping (tracking) of the social reintegration processes of ex-offenders was the best practices in terms of overcoming and reducing the manifestations of discrimination against them. The study of returning to the community in Bulgaria is also based on the findings of a previous similar study conducted in Norway and Romania (Durnescu et al., 2016; Durnescu, 2018; Durnescu, 2019; Hirjuand Rotariu,2018). The survey was conducted simultaneously in Bulgaria, Romania, and Italy.

The preparation of the Ethnographic report envisaged following activities:

- Compile the state of the art.
- Organize Access to the prison: Negotiating access to the prison establishments;
- Refine the methodology.
- Carry out the recruitment and selection of the participants.
- Conduct fieldwork.
- Data analysis and interpretation.

The Ethnographic study (data collection & ethnographic research: recruit/selection/fieldwork) was implemented between 03.2022 and 05.2023 (14 months).30 inmates participated, out of a total of 65, with whom selection interviews were conducted. Finally, 2 participants dropped out and 28 ex-prisoners were mapped and tracked – 14 women and 14 men. The observation followed the post-release journey of incarcerated Roma men and women, documenting their experiences over a six-month period following their release.



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The desk research was the first step: inventory and summary of the research carried out on the topic, compilation of a selective bibliography and critical review of works containing the most significant information; compilation of a database on international standards (conventions, case-law, soft law instruments) enabling topic-specific research.

After the compilation the state of art, the project was presented by the BHC team to the management of The General Directorate Execution of Penalties (GDEP) - a specialized administrative structure, a legal entity with the Minister of Justice in Bulgaria. With the assistance of the prison administrations of the prisons in Sofia, Bobov dol, Pazardzhik, Sliven, the project was also popularized among prisoners.

The project relied on the active and voluntary involvement of women and men - prisoners with four months or less left until release and who self-identified as Roma. The study in Bulgaria took place in 2022-2023.

The report was developed using a pre-established methodology of the ethnographic research, Special attention was dedicated to the definition of Roma. All partners shared the same definition of this ethnic group. The ethnographic methodology was based on in depth interviews, photovoice, observation. This methodology was adapted to fit the Bulgarian context and was also adapted to include Roma men and Roma women.

Recruitment and selection of the participants included 15 Roma male and 15 Roma female prisoners. As was mentioned the participants were among those (total 65 interviewed) who are approaching the day of release. 4 months prior to release, all prisoners within the selected prison institutions were informed about the research project. Prisoners were informed that participants with Roma background (as they identify themselves) and who do not intend to leave the country are invited to take part in this study. All participants were informed about the methodology and required to sign an informed consent form.

The core field work was implemented from 03.2022 until 05.2023 (14 months). Once a new participant was recruited, he/she was interviewed the first time (the pre-release interview). The interview protocol will follow the following themes: definition of the prison experience, definition of the release, expectations after release, expected difficulties, sources of help, plans and self-identity. The same themes were followed in the next interviews: after one week from release or after the start of the probation

program, after one month, after three months, after six months. In the day of release the participants were accompanied home by one or two researcher/s to observe the welcoming rituals. With the consent of certain participants were taken pictures of all the objects/people/etc. that were important for them in the first month of release. The pictures were discussed using the visual data methodology after the first month. All observations during the interviews and home visits were noted carefully in the research diary. For those who enter a probation program these activities took place in agreement with the probation officers.

The Ethnographic report, prepared by BG team, have been delivered in June 2023.

2. Main Findings _ Problems with Reintegration of Roma Offenders

The process of the reintegration of Roma offenders in Bulgaria may encounter several obstacles, which, of course, can vary in their nature and impact. Although it is important to note that the specific challenges are usually different in the different groups, it is possible to outline some main and common problems. They include:

- *Discrimination and stigmatization.* The persons of Roma origin often face deep-rooted discrimination and stigmatization in Bulgarian society. Negative stereotypes and prejudices may hinder their access to employment, housing, education and social services. This discrimination can make it difficult for them to successfully reintegrate into society upon release from prison.
- *Limited educational opportunities.* Roma communities in Bulgaria often face obstacles to access to quality education. The limited educational opportunities may affect their ability to develop the necessary skills and qualifications for work, which may hinder their reintegration efforts. Most of the participants in this project have elementary or primary education. Often the only option for them to continue their education are the schools in the prisons. Solving this problem is possible through improving access to education and promotion of inclusive education both in the community and in the prisons.
- *Unemployment and economic disadvantage.* The high levels of unemployment and economic inequality are common challenges faced by many Roma. The situation is particularly difficult for convicted persons, insofar as in Bulgaria a criminal record certificate is required upon entry for many types of employment. This is valid also when it comes to the conclusion of an employment contract for low-skilled work. The lack of possibilities for work combined with discriminatory practices can make it difficult to secure a job after leaving the prison. This situation can contribute to a cycle of poverty and social exclusion.
- *Insufficient social support.* Roma who are released from prison may not have sufficient social support networks, which can help them cope with the reintegration process. Limited support can increase the risk of recidivism and hinder their successful transition

back in society. Comprehensive systems for support are extremely important for providing guidance, advice and assistance in various aspects of reintegration.

- *Access to housing.* Roma may encounter difficulties in accessing suitable housing after their release from prison. Discrimination in the employment and the lack of possibilities to rent housing at affordable prices can make it difficult for them to find a stable home. The adequate housing is critical to their successful reintegration and should be addressed through targeted policies and initiatives.
- *Lack of rehabilitation programs.* Availability and effectiveness of the rehabilitation programs within the system of prisons can affect the reintegration process. Lack of access to programs aimed at education, vocational training, mental health support and treatment of substance abuse can hinder successful efforts for reintegration.
- *Addictions.* Alcohol and drug addictions is an additional element in the reintegration of Roma released from prison. The problems related to alcohol and substance abuse may contribute to their further involvement in the penal system and can create serious obstacles to inclusion in society. Solving this problem requires access to effective rehabilitation programs, specialized consultation and support services tailored to the specific needs of persons of Roma. By providing comprehensive treatment and support in case of addiction, along with efforts to address major adverse social and economic factors, the reintegration process could be facilitated.

3. Case studies of discrimination

The case of M.M.

This case is among the examples of ethnic discrimination by employees in state institutions. When the participant in the project tried to receive one-off aid after release from the prison, the officials of the social assistance department prevented this. In the first week after his release M.M. registered at the State Bureau of Labour (SBL), accompanied by the researcher. He then showed up at the Social Assistance Directorate (SAD) to receive his one-off aid. The first refusal M. received when he himself visited the SAD. According to him, it has been explained to him that he could not get aid, since the marriage with his previous wife was still valid and was not terminated. M. claimed he never entered into a civil marriage with none of his partners. He used the address registration to his former girlfriend, but did not have any documented relationship with her. On his second visit, M.M. was accompanied by the BHC researcher. The social workers did not raise the issues about his civil marriage at all. But they asked questions, the answers to which had nothing to do with his application for social assistance assistance. For example: "Is this address a rented accommodation? How did you pay your rent by not working", "And what were you convicted for?" M. Did not give answers but was greatly affected by the attitude of the social workers. In the end, the SAD refused to accept his application for one-off aid, as in the official note from the prison it was stated that M. worked 9 days during his entire

sentence. Although both M. and the researcher explained to the SAD staff that this was voluntary work and that M. could not have been employed through employment contract in a place of imprisonment, he was required to present a special document from the Sofia Central Prison in order to confirm in writing that M. was not paid for these 9 days work. The delay in the reaction of M., to whom it was explained that it is necessary to go to a place next to the prison and make a request to the superintendent, led to missing the deadline for the one-off aid.

In the story described above, several bureaucratic obstacles can be seen as discriminatory:

- *Unreasonable document requirements.* The request for presentation on a written document from the prison confirming that M.M. was not remunerated for his voluntary work can be seen as discriminatory. This requirement places an additional burden on M., as it forces him to go through additional bureaucratic procedure that other people may not undergo. It created an unnecessary barrier that disproportionately affects persons like M., who have difficulty navigating the system.
- *Inflexible deadlines.* Missing the deadline for release of the one-off aid due to the bureaucratic process further illustrates discriminatory treatment. The delay caused by the requirement to visit the prison and to submit a request to the governor creates a situation where M. cannot meet the deadline. This inflexibility does not account for unique circumstances faced by the individuals returning in society after serving a sentence, including potential challenges, which they may encounter in the implementation of bureaucratic requirements within certain deadlines.
- *Irrelevant questioning.* The inappropriate questions asked by social workers, such as asking for the address, the payment of the rent and nature of the conviction, may be regarded as discriminatory. These questions go beyond what is necessary for determination of the right to one-off aid. They concern personal matters not related to the application process. This way of asking questions reinforces stereotypes and discriminatory practices by singling out persons like M. on the basis of their ethnic origin or criminal history.

Discrimination within bureaucratic processes is not always overt or deliberate. Instead, it may be the result of systemic prejudice, lack of cultural sensitivity or disregard of the unique needs and challenges they marginalized groups face. However, the discriminatory treatment remains, as these obstacles make it disproportionately difficult the access to and receipt of benefits and support for persons from marginalized communities, such as the Roma who are released from prison.

The case of N.K.M.

The situation of N.K.M. in the third month after his release from prison, described above, illustrates discriminatory practices in the housing sector that many Roma encounter. The landlords refuse to rent to N. because of his ethnic background. These discriminatory practices contribute to the social exclusion and the unequal treatment that makes successful reintegration difficult for Roma after their release from prison.

- *Refusal on the grounds of ethnic belonging.* N.K.M. reports that he was refused tenancy because of his Roma origin on a number of occasions. The landlords did not take into account his individual circumstances or qualifications as a tenant. This is direct discrimination. It rests on preconceived attitudes and prejudice against the Roma, which reinforce their systemic inequality and exclusion.
- *Different treatment.* N.K.M. contacted landlords through the BHC researcher. The landlords initially agreed to meet N.K.M., but after meeting him personally, they refused to sign a contract. They were apparently influenced by his appearance or the ethnicity of N.K.M. They changed their minds after meeting him, which shows that they were guided by prejudices or prejudices.
- *Limited accommodation options.* At the end, the only landlord who agreed to provide accommodation to N.K.M. eventually offered a flat without water supply, in a building in a dilapidated condition, with drug-addicted residents on one of the floors. This situation highlights the limited accommodation options which persons such as N.K.M. face.
- *Limited access to quality housing.* At the end N.K.M. chose to stay in his brother's wooden barrack. This shows the lack of access to suitable and affordable housing upon release from prison for persons of Roma origin. This limited access may be the result of discriminatory practices, structural inequalities and systemic barriers that prevent marginalized groups to get better accommodation options.

4. Good Practices for Overcoming Discrimination

Overcoming these identified obstacles requires a comprehensive approach that includes combating discrimination, promoting inclusive policies, improving educational opportunities, strengthening the professional training, provision of networks for social support and cooperation with various stakeholders, including Roma communities themselves. Efforts should be focused on empowering individuals, overcoming stereotypes and the creation of a more inclusive and equal society for Roma offenders in Bulgaria.

Good practices for overcoming discrimination include legislative regulations, initiatives of private individuals and organisations, as well as those of public institutions, including prisons. Good practices were identified by the BHC researchers, as well as by the state officials in private encounters with the researchers.

5. Legislative regulations and practices

Almost without exception, the financial support to released prisoners provided based on a regulation of the Bulgarian social welfare legislation as a tool for their reintegration in society was considered a good practice. This support is particularly beneficial to poor prisoners who have no means or networks of support outside of the prison. It also contributes to the prevention of return in that it allows for the prisoners to secure some financial stability and to resist temptation in the beginning of their life in freedom.

6. Some individual cases of good practices

The case of K.N.

The observation found that the coordination between the social institutions and a private employer played a key role in the successful return to the community of K.N. Upon release from the Sliven prison, she needed adequate help for provision of housing, work, social support, and medical care. These were provided at the local level – in the municipality, to which she returned. Institutions in that region joined forces from day one to offer and synchronize their support. The role of Regional Probation Service (part of the Regional Service for Execution of Punishments, RSEP) in the city of P. was leading in deciding how to overcome the main barriers on the path of resocialization of K.N. It helped in her accommodation in a shelter for homeless people and finding a permanent job. It also helped in the prevention of further offenses.

K.N. was released on 20.06.2022 from the Sliven prison after serving her sentence for violating her conditional sentence of 8 months imprisonment with 3 years' probation for a crime under Art. 354a, para. 3, item 1 of the Criminal Code and failure to fulfill probation for a term of 2 years and 6 months for a crime under Art. 329, para. 1 of the Criminal Code. On 22.06.2022 K.N. was issued a probation order for a period of 3 years by the Plovdiv District Court. The order included a mandatory registration at the current address and periodic meeting two times a week with a probation officer for a period of 3 years and unpaid work for the benefit of society in the amount of 250 hours per year for a period of 3 years.

Inspector T.G. started work on assisting K.N. for providing housing and directing her to work together with the chairman of the Probation Board in the city of P. On 18.07.2022 with the assistance of D.A., head of the department "Individual Assessment of People

with Disabilities and Social Services" in SAD and current member of the Probation Board K.N. was placed in a shelter for homeless people in the city of P. On the initiative of the shelter team, the placement of K.N. in the social service was extended until 31.08.2023. On 28.07.2022, the probation inspector M.M. personally lead K.N. to the SBL where she was registered as unemployed and was familiarized with specific offers for employment. On 02.08.2022 with the assistance of V.D., former member of the Probation Council in the city of P., and the head of regional SAD K.N. was directed to an interview with an employer in a sewing workshop of a company in the city of P. On 04.08.2022, an employment contract was drawn up, with which K.N. was appointed to the position of ironer in the same company full-time, 8 hours a day. The object of execution of the probationary measure unpaid work for the benefit of society has been changed with a view to her admission to a permanent. K.N.'s schedule has also been changed - she was engaged once a week for a full-time job on one of the days off, in compliance with the requirements of Art. 221, para. 3 of the Execution of Punishments and Pre-trial Detention Act (EPPTDA). RSEP in the city of P. provides assistance to K.N. also on the occasion of her stated desire to continue her education.

Despite the coordinated efforts of several institutions - an example of good practice, the expected change in the case of K.N. did not happen. On 26/09/2022, K.N. was notified by her employer that her employment contract would not be extended due to systematic absences from work, regardless of the warnings given to her. According to her employer, K.N. repeatedly violated the labor discipline at her workplace by being late for work, not showing up in an inadequate condition, preventing the performance of her work duties. According to the data of the monitoring inspectors from RSEP, the abuse of narcotic substances continues, as well as the contacts with persons from pimping circles in the region.

The conclusion of the supervising probation inspector is: "She underestimates the role of personal contribution and initiative in overcoming her problems. Her unfortunate social contacts provoke states of depression, anxiety and dissatisfaction, which she finds difficult to overcome. The solutions she turns to in order to deal with her material and household problems are temporary and often go against the established legal and social order."

The case of L.P.

This case is an example of the quick reaction of the municipal authorities in the municipality of S. The former prisoner L.P. has been diagnosed with bipolar mental disorder. She lives alone in the village of M.V. Within the framework of the project, the municipal administration declared its attitude of support and prepared a plan for

measures for the resocialization of the former prisoner. Much of this plan was implemented while the project was ongoing.

The case of V.V.

This case is an example of support from the municipal authorities in the municipality of K. The former prisoner and her husband have expressed their wish for the reintegration of their son, who was raised in a foster family. The municipal authorities of K. and the SAD declared their active support in the case in the framework of the project. The municipality confirmed to the BHC team that measures will be taken to support the employment of V.V.

7. The experience of the Sliven prison

In its program for the rehabilitation and social reintegration of the prisoners in the women's prison in Sliven, emphasis is placed on measures for rehabilitation from the first day of entering the prison. According to Donka Ilieva, head of the Social Activities and Correctional Work (SACW) sector in the prison administration, work is being done in cooperation with institutions in the community, with the motive of supporting the resocialization of released prisoners. Among the measures implemented in 2022 to support the rehabilitation and resocialization of prisoners during their stay in the prison in Sliven are the following³²:

- Stabilization of the prisoners' motivation to participate in various forms of meaningful activities as a factor for positive change and successful future resocialization;
- Increasing the competencies of the prison staff for authentic presence and professional intervention in the advisory process and rehabilitative influence.

Among the methods for solving conflict situations and imposing rehabilitation measures, the most often used is mediation - looking for an opportunity for cooperation and solving conflicts through negotiations and agreements. Among the stages through which mastery of skills for constructive dialogue and solving problem situations passes are:

- Mastering communication skills, searching for alternative solutions and providing support and overcoming automatisms.
- Implementation of the jointly chosen way to resolve the conflict, including inclusion in individual and group activities, work activities, psychological support, trainings;
- Evaluation of the effectiveness of the efforts undertaken to resolve the conflict.

³² The experience of the Sliven prison was shared during the focus group in Sliven, as well as in: *Study of the state of the prison community in the prison in the city of Sliven for the first half of 2022*, provided to the BHC by the administration of the prison on 20 July 2022.

To limit and neutralize the antisocial subculture, measures with different orientations are implemented:

- Support for prisoners, especially during the adaptation period, for smooth integration into the new environment.
- Neutralization of tensions and conflictual relations through activity programs and new behavioral skills and specialized impact.
- Inclusion in an educational process to reduce educational and behavioral deficits.
- Individual psychological counseling to overcome hostility, angry outbursts, reduced emotional self-control.
- Diversifying the spectrum of creative, sports and informational programs offered for cultivating behavioral skills and preparation for a life of freedom.

According to the testimony of Nataliya Apostolova – probation inspector in the Sliven prison, the administration works most often in close cooperation with the State Bureau of Labour (SBL), the municipal administration, the Ministry of Interior and with the probation services. From the first day of admission to prison, the rehabilitation efforts of the institutions are integrated with the aim of prevention of new offenses and successful reintegration into the community.

Within the framework of the project, during all the releases of the women - participants in the project from the prison in Sliven, a representative of the SACW sector of the prison was present - a probation inspector or a social activities inspector, who conducted a final clarification of the first steps to freedom that the former prisoner is about to take.

Thus, in the case of D.A. for example, prior to her release, preliminary contact was made with SBL-Sliven, because of the need of support in her employment. Preliminary information about the upcoming release and the profile of the prisoner were provided. On the day of the release, the inspector of SACW held a short closing information meeting with D.A. Despite the assessment of the social workers in the prison that employment in this case will be problematic (D.A. has an elementary education, is illiterate, in prison she did not show a desire to undergo training or a qualification course in tailoring, despite the opportunities offered to her), the team of the SACW sector in the prison in Sliven took measures to overcome the barriers on the way after D.A.'s release. Monitoring within the project showed that D.A. received support from SBL-Sliven and was appointed to a job, which she subsequently left of her own accord.



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