



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

25 March 2019

Case Document No. 1

Amnesty International v. Italy
Complaint No. 178/2019

COMPLAINT

Registered at the Secretariat on 18 March 2019

**AMNESTY
INTERNATIONAL**



COLLECTIVE COMPLAINT:

Amnesty International

against

The Italian Republic

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1. ADMISSIBILITY

1.1 COMPETENCE OF AMNESTY INTERNATIONAL, THE COMPLAINING ORGANISATION

1. Amnesty International is an international non-governmental organization dedicated to protecting and promoting the rights enshrined in the *Universal Declaration of Human Rights* and other international treaties. The organization has more than 7 million members and supporters worldwide, including over 117,000 activists in Italy. Amnesty International conducts research and leads efforts to advance international human rights at the international, regional and national levels. The organization has formal relations with the United Nations (UN) and other inter-governmental organizations. It has consultative status with the UN Economic and Social Council (ECOSOC) and the UN Educational, Scientific and Cultural Organization (UNESCO). Amnesty International has observer status before the African Commission of Human and People's Rights and is registered with the Organization of American States as a civil society organization. It has working relationships with the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Inter-Parliamentary Union. At the Council of Europe, Amnesty International is a member of the International Non-Governmental Organization Conference (the INGO Conference) and has observer status at the steering Committee for Human Rights (CDDH). In 1977, Amnesty International was awarded the Nobel Peace Prize. The organization is recognized as an accurate, unbiased and credible source of research and analysis of human rights conditions around the world.
2. Amnesty International's expertise in the area of human rights includes expertise on states' obligations under international law to respect, protect and fulfil all rights guaranteed in international treaties and to ensure non-discrimination and equality in the enjoyment of all rights, including the right to adequate housing.
3. Amnesty International has long been at the forefront of protecting internationally recognized social and economic rights worldwide. For instance, under its global Demand Dignity Campaign (2009-2014), Amnesty International contributed to strengthening the legal enforcement of economic, social and cultural rights and to advancing the right to adequate housing and protection from forced eviction for the poorest and most marginalized members of society through research, campaigning and litigation. Under the Fight Discrimination in Europe regional campaign (2010 – 2016), Amnesty International has worked to ensure that all individuals in Europe enjoy effective protection against discrimination. Amnesty International has sought to expose the impact of discrimination on people's lives and empower individuals to claim their rights. Amnesty International has carried out research and campaigned for the introduction and implementation of comprehensive anti-discrimination legislation at regional and national levels in Europe and beyond, and to combat discriminatory policies and practices. With specific regard to Roma, Amnesty International has worked for the effective protection and implementation of Roma's right to housing in several countries, in addition to Italy, including France, Romania, Bulgaria and Serbia.
4. In Italy, Amnesty International has documented the impact of discriminatory laws and policies on Roma, in particular in the cities of Rome, Milan and Naples for over eight years, through numerous research missions, meetings with local, regional and national authorities, interviews with non-governmental organizations, activists and Romani adults and children directly affected by violations of the right to housing.¹ Amnesty International

¹ See *The wrong answer: Italy's Nomad Plan violates the housing rights of Roma in Rome*, Amnesty International Index: EUR 30/001/2010; *Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan*, Amnesty International Index: EUR 30/022/2011; *On the Edge: Roma, Forced Evictions and Segregation in Italy*, Amnesty International Index: EUR 30/010/2012; *Double Standards: Italy's Housing Policies Discriminate*

criticized the use of emergency powers adopted in 2008 that targeted Romani people. The emergency powers under the “Nomad Emergency” were ended by the courts in November 2011. In its March 2010 report, *The wrong answer: Italy’s ‘Nomad Plan’ violates the housing rights of Roma in Rome*², Amnesty International critiqued the Municipality of Rome’s plan to evict and rehouse thousands of Roma in segregated camps as one of the first manifestations at the local level of the declaration of the “Nomad Emergency” by the national government. The report was the outcome of research missions to Rome, including visits to and interviews in several camps.

5. Prompted by reports of repeated forced evictions carried out in Milan under the legal framework of the “Nomad Emergency” and use of the accompanying powers and funds, Amnesty International conducted two research missions to Milan in 2011. Delegates interviewed officials, staff of NGOs, and residents of authorized and unauthorized camps. In its subsequent report in November 2011, *Zero Tolerance for Roma: Forced Evictions and Discrimination Against Roma in Milan*³, Amnesty International described how the “Nomad Emergency” exposed thousands of Roma to serious human rights violations, aggravated discrimination against Roma, including discrimination in the enjoyment of their right to adequate housing, and enabled greater impunity for deliberate breaches of human rights standards perpetrated by Italian authorities.
6. Amnesty International continued to document forced evictions, segregation, sub-standard housing conditions for Roma, as well as their exclusion from social housing even after the Italian highest administrative court, the Council of State, ruled the “Nomad Emergency” unlawful in November 2011. Research missions to Rome and Milan in 2012 led to the publication, in September 2012, of the briefing *On the edge, Roma, forced evictions and segregation in Italy*⁴, describing continuing violations of the right to adequate housing of Roma in the 10 months after the end of the “Nomad Emergency”. In October 2013, Amnesty International released the report *Double standards, Italy’s housing policies discriminate against Roma*⁵, focusing on the discriminatory exclusion of Romani families living in authorized camps from equal access to social housing in Rome. The report describes how for well over a decade these families were prevented from reaching the top of social housing lists in Rome, including through measures adopted well after the end of the “Nomad Emergency”, notwithstanding the utter inadequacy of their accommodation, which placed them among the most disadvantaged categories that should be given access to apply and receive social housing.
7. In recent years, Amnesty International has documented similar violations of the right to adequate housing of Roma in other parts of the country, such as Naples. For example, during 2017, Amnesty International conducted several research missions documenting the attempts of the Roma community of Gianturco, in Naples, to oppose the destruction of their settlement, their subsequent forced eviction and the conditions of many of the families rendered homeless or transferred to segregated housing in the aftermath of the forced eviction. Amnesty International conducted also advocacy meetings with the Neapolitan authorities to urge them to uphold international standards in addressing the housing situation of the community of Gianturco.⁶
8. Amnesty International hereby submits this collective complaint to the Executive Secretary⁷, acting on behalf of the Secretary General of the Council of Europe, pursuant to the collective complaint mechanism established by the Council of Europe on 9 November 1995 in the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (the Additional Protocol) with the purpose of ensuring the full realization of social rights by all.
9. Under Article 1 (b) of the Additional Protocol, the High Contracting Parties recognise the right of international non-governmental organizations holding consultative status to submit collective complaints. Amnesty International is on the Governmental Committee list of international non-governmental organisations currently registered until June 2019 to submit collective complaints.⁸
10. International non-governmental organisations entitled to submit complaints, unlike bodies coming under Article 1(c) and Article 2(1) of the Additional Protocol, need not come within the jurisdiction of the High Contracting Party. Amnesty International is therefore entitled to bring a collective complaint against those countries having

against Roma, Amnesty International Index: EUR 30/008/2013; attached at Annex 4, in addition to press releases, public statements and blogs available at <https://www.amnesty.org/en/search?q=Italy+roma&sort=relevance>

² Attached at Annex 4

³ Attached at Annex 4

⁴ Attached at Annex 4

⁵ Attached at Annex 4

⁶ See *Italy: The National Strategy for Roma Inclusion: A Short-lived Hope for Roma in Italy*, at

<https://www.amnesty.org/en/documents/eur30/3520/2016/en/>; *Roma on the margins: Housing rights denied*, at

<https://www.amnesty.org/en/latest/campaigns/2016/04/roma-on-the-margins-housing-rights-denied/>; *Italy: Hundreds of Roma at risk of forced eviction from the informal settlement of Gianturco in Naples*, 22 March 2017, Amnesty International Index: EUR 30/5926/2017, at

<https://www.amnesty.org/en/documents/eur30/5926/2017/en/>; and *Italy: Around 150 Roma in Naples again at risk of forced eviction and homelessness*, 14 July 2017, Amnesty International Index: EUR 30/6715/2017 at <https://www.amnesty.org/en/documents/eur30/6715/2017/en/>

⁷ Pursuant to Rule 22, Part VIII, of the Rules of Procedure of the European Committee of Social Rights, entry into force 29 March 2004, replacing Rules 9 September 1999

⁸ Registered at No. 52 on List of International Non-Governmental Organizations (INGOs) entitled to submit collective complaints, Council of Europe, Strasbourg, <https://rm.coe.int/gc-2017-16-bil-list-ingos-1-july-2017-updated-list-of-ingos/168072fd62>

ratified the European Social Charter or Revised European Social Charter or both that have also agreed to be bound by the collective complaints mechanism, without prejudice to any other admissibility requirement.

1.2 APPLICATION OF THE REVISED EUROPEAN SOCIAL CHARTER AND THE COLLECTIVE COMPLAINT SYSTEM TO ITALY

11. Italy is a State party to the 1996 Revised European Social Charter (Revised Charter) and to the Additional Protocol Providing for a System of Collective Complaints.
12. Italy signed the European Social Charter on 18 October 1961 and ratified it on 22 October 1965. The European Social Charter entered into force with respect to Italy on 21 November 1965. Italy signed the Revised European Social Charter on 3 May 1996 and ratified it on 5 July 1999, with the exception of Article 25, which is not at issue in this Complaint.⁹ The Revised Charter entered into force with respect to Italy on 1 September 1999.
13. Italy signed the Additional Protocol Providing for a System of Collective Complaints on 9 November 1995 and ratified it on 3 November 1997. The Additional Protocol entered into force with respect to Italy on 1 July 1998.

1.3 APPLICATION TO THE ROMA, THE POPULATION AT ISSUE

14. There is no precise official data regarding the number of Romani people living in Italy. The Council of Europe estimates that there are about 140,000 Roma, Sinti and Caminanti in Italy, representing around 0.23 per cent of the population of the country.¹⁰ Italy's National Strategy for Roma Inclusion states that the number is between 120,000 and 180,000.¹¹ These communities include Italian citizens (about 50 percent), people from other European Union countries and from the former Yugoslavia, and stateless people. Only about 2 to 3 per cent of Roma continue to practice a nomadic way of life.¹² According to recent studies, about 26,000 Romani people live in camps and settlements, either informal or built by the authorities, and in segregated centres, where they are at continued risk of forced evictions.¹³ The persistent lack of data regarding the composition and needs of the Romani population in Italy has been repeatedly criticized by international human rights bodies, most recently in 2017 by the UN Committee on the Elimination of Racial Discrimination (CERD).¹⁴

1.4 ARTICLES CONCERNED

1.4.1 ARTICLE 31: THE RIGHT TO HOUSING, READ ALONE OR IN CONJUNCTION WITH ARTICLE E: NON-DISCRIMINATION

15. It is submitted that Italy is in violation of Article 31, read alone or in conjunction with Article E, due to: 1) the continued perpetration of forced evictions particularly of the Roma community; 2) the continued use of segregated and substandard housing for Roma; 3) the failure to ensure equal access to social housing for Roma, including through the application of discriminatory criteria for the allocation of social housing.

⁹ Italy signed the RESC with the following declaration contained in a Note Verbale from the Permanent Representation, handed to the Secretary General at the time of deposit of the instrument of ratification, on 5 July 1999: "Italy does not consider itself bound by Article 25 (the right of workers to the protection of their claims in the event of the insolvency of their employer) of the Charter."

¹⁰ See the Council of Europe webpage on estimates of Roma in European countries including Italy at <https://www.coe.int/en/web/portal/roma>

¹¹ Available in English at https://ec.europa.eu/info/files/italy-national-strategy-roma-inclusion_en; and in Italian at http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_it.pdf

¹² See the report of the Italian Senate's Extraordinary Commission for the protection and promotion of human rights: Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani, Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia, 9 February 2011, available at

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

¹³ See the 2017 annual report of the Italian non-governmental organization Associazione 21 luglio at http://www.21luglio.org/21luglio/wp-content/uploads/2018/04/Rapporto_Annuale-2017_web.pdf. Associazione 21 luglio's estimate is consistent with research conducted jointly by the Italian statistical institute, ISTAT, the national association of Italian communes, ANCI, and the national office against racial discrimination, UNAR, which, in 2017, mapped the presence of authorized and informal settlements in local authorities with more than 15,000 residents and concluded that there were between 23,000 and 28,000 Romani people residing in such settlements. See: Gli insediamenti Rom, Sinti e Caminanti in Italia, by Monia Giovannetti, Nicolò Marchesini, Emiliana Baldoni, at http://www.cittalia.it/images/Gli_insediamenti_Rom_Sinti_e_Caminanti_in_italia_.pdf; see also <https://www.slideshare.net/slideshow/c-freguja-progettazione-di-un-sistema-informativo-pilota-per-il-monitoraggio-dell'inclusione-sociale-delle-popolazioni-rom-sinti-e-caminanti>

¹⁴ UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined nineteenth and twentieth periodic reports of Italy, CERD/C/ITA/CO/19-20, 17 February 2017, paras 8,9,21 and 22

2. BACKGROUND

2.1 ONGOING DISCRIMINATION, SEGREGATION, AND SOCIAL EXCLUSION, DESPITE THE END OF THE “NOMAD EMERGENCY”

“The Commissioner reiterates the view that the situation of Roma, Sinti [...] poses some of the most pressing human rights challenges Italy has to face, and that the treatment of these vulnerable groups should be seen as a litmus test regarding the effective observance of Council of Europe human rights standards.”

Nils Muižnieks, Council of Europe Commissioner for Human Rights¹⁵

16. Since the European Committee of Social Rights (the Committee) last ruled with respect to a complaint concerning adequate housing for Romani people in Italy in 2010, an estimated 26,000 Roma continue to live segregated in mono-ethnic authorized or “tolerated” camps or official centres for Roma only, or in precarious informal settlements on the outskirts of urban areas.¹⁶ They face inadequate living conditions, often without basic infrastructure and services including access to water and sanitation, washing facilities, electricity and heating. Lacking basic security of tenure, including in authorized camps, they remain vulnerable to forced evictions, routinely carried out by the authorities in violation of international human rights law and standards including Article 31 of the Revised Charter.
17. Furthermore, local authorities continue to fail to end segregation by forcibly relocating Roma to camps, offering it as the only housing solution for Romani families who are unable to provide for themselves. As described in section 3. below and Annexes 1, 2 and 3, the situation in Rome and Naples offers a clear example – albeit not an isolated one – of how local authorities have not only failed to offer alternatives to segregated camps, but have continued to build new camps and to move Romani families from one to another, while at the same time hampering their fair and unhindered access to other forms of housing assistance provided to the majority of the population.¹⁷
18. It is a measure of how engrained discrimination against Roma is in official policies and practices that, throughout the country, forced evictions and segregation in camps have remained common occurrences in many cities where numerically significant Romani communities reside notwithstanding the end of the “Nomad Emergency” in November 2011.
19. The “Nomad Emergency” – the state of emergency declared by the government in 2008 in relation to the presence of “nomad” communities in the regions of Campania, Lazio, Lombardy, Piedmont and Veneto¹⁸ – was declared

¹⁵ Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Italy, from 3 to 6 July 2012 (CommDH(2012)26, 18 September 2012), para 62, available at <https://rm.coe.int/16806db861>

¹⁶ <http://www.21luglio.org/21luglio/rapporto-annuale-2017-26-mila-rom-emergenza-abitativa-2/> The camps where many Roma live in Italy fall into three main categories: (a) Authorized camps: these camps are located on public land and are authorized by formal decisions of the authorities. Usually the authorities are in charge of maintaining essential infrastructure for sanitation, electricity and water; (b) “Tolerated” or “consolidated” camps are settlements that were built irregularly on private or public land. They have usually existed for relatively long periods of time and the owners of the land do not threaten the community with eviction. In some cases, the authorities provide some services, such as rubbish collection and transport of children to schools. (c) Unauthorized camps are settlements that were built irregularly on private or public land. They are the most vulnerable to be evicted. Such settlements are usually the most precarious and have no services.

¹⁷ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹⁸ On 21 May 2008, the government used Law 225/1992 to declare a state of emergency in relation to the settlements of “nomad” communities in Lombardy, Campania and Lazio and later extended it to Piedmont and Veneto. The Council of Ministers claimed that the state of emergency was declared to address a “situation of grave social alarm, with possible repercussions for the local population in terms of public order and security”. Special powers were conferred on delegated commissioners to solve the emergency, including by derogating from ordinary laws. Amnesty International criticized

unfounded and unsubstantiated by the Council of State on 16 November 2011, because the government had not identified the specific facts that would have justified the use of extraordinary powers in relation to the alleged emergency caused by the “nomad” settlements. As a result, all acts issued by the delegated commissioners to the emergency were declared illegitimate, including the fingerprinting and photographing of everyone in “nomad” settlements, carried out under the emergency. The Regulations issued by the delegated commissioners for the authorized camps of Lazio and Lombardy in 2009 were also ruled unlawful and in breach of the right to freedom of movement, work, privacy and family life. In the face of the Council of State’s ruling as well as criticism of multiple international human rights bodies in relation to the “Nomad Emergency” (including the Committee), the government appealed against the Council’s ruling, alleging that the court went beyond its powers of scrutiny of the acts of the government. However, on 22 April 2013, the Italian Supreme Court upheld the November 2011 ruling of the Council of State against the “Nomad Emergency”.

20. The “Nomad Emergency” constituted the unlawful and discriminatory legal basis for the violations which the Committee found in June 2010, in its ruling in collective complaint 58/2009, *Centre on Housing Rights and Evictions (COHRE) v Italy*. In so doing, the Committee found that: “*living conditions of Roma and Sinti in camps worsened following the adoption of the contested ‘security measures’*. As, on the one hand, the measures in question directly target these vulnerable groups and, on the other, no adequate steps are taken to take due and positive account of the differences of the population concerned, the situation amounts to stigmatisation which constitutes discriminatory treatment.”¹⁹ The Committee went on to note that, because of their history, the Roma have become a specific type of disadvantaged group and vulnerable minority across Europe, including in Italy. They therefore require special protection. The Committee further stated that special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases.²⁰
21. The Committee of Ministers of the Council of Europe upheld the Committee’s decision in October 2010 and received assurances from the government of Italy that it would “*ensure the effective implementation of the rights deriving from the revised European Social Charter for every individual, including for persons who belong to the Roma communities*.”²¹
22. Yet, to date, as set out below, the Italian government has wholly failed to meet this commitment. It has not stopped local authorities from implementing policies and practices which are in violation of Italy’s obligations under the Charter. It has failed to hold them to account for those policies and practices and, in some cases, has directly contributed to them, in violation of the Charter.
23. Following the end of the “Nomad Emergency”, local authorities gained back the powers they had temporarily lost to prefects (who had been nominated delegated commissioners for the emergency when the “Nomad Emergency” was in force) and seamlessly continued to carry out forced evictions of Romani families from informal settlements, segregation of Romani families in mono-ethnic camps and their exclusion from social housing, thus effectively perpetuating the policies which were adopted under the “Nomad Emergency”.

2.2 ADOPTION OF THE NATIONAL STRATEGY FOR ROMA INCLUSION: A POSITIVE STEP ACKNOWLEDGING PAST FAILURES WHICH HAS FAILED TO TRANSLATE INTO REAL CHANGE

24. In February 2012, Italy presented to the European Commission its National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities (NSRI), within the European Union Framework (European Commission Communication No 173/2011) covering four key sectors: education, employment, health and housing. The European Commission endorsed it in May 2012.²²

this legislation and its effect in several documents, including: *The wrong answer: Italy’s ‘Nomad Plan’ violates the housing rights of Roma in Rome*, Amnesty International Index: EUR 30/001/2010; and *Italy: ‘Zero Tolerance for Roma’*, Amnesty International Index: EUR 30/020/2011. In 2008 the Sulejmanovic family, a husband and wife from Bosnia and their 13 children (all born in Italy except the oldest), together with the European Roma Rights Centre, brought a case against the “Nomad Emergency” before the Council of State. They alleged racial discrimination and other flaws in the decree and the ordinances of the “Nomad Emergency”

¹⁹ *Centre on Housing Rights and Evictions (COHRE v. Italy)* Complaint No. 58/2009, decision on the merits of 25 June 2010, para 58

²⁰ *COHRE v. Italy*, paras 39 and 40

²¹ See Council of Europe, Committee of Ministers, resolution CM/ResChS(2010)8, Collective complaint No. 58/2009 by the Centre on Housing Rights and Evictions (COHRE) against Italy, adopted by the Committee of Ministers on 21 October 2010 at the 1096th meeting of the Ministers’ Deputies

²² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, National Roma Integration Strategies: a first step in the implementation of the EU Framework, COM(2012) 226 final, Brussels, 21 May 2012. Link to the NSRI in English: https://ec.europa.eu/info/files/italy-national-strategy-roma-inclusion_en; in Italian: <http://www.unar.it/unar/portal/wp-content/uploads/2014/02/Strategia-Rom-e-Sinti.pdf>

25. The NSRI includes housing as one of the areas which require new solutions for Roma, whilst unambiguously acknowledging that the policy of “nomad camps” does not provide for the real needs of people who are now largely sedentary and has itself become the cause of social marginalization.
26. The NSRI emphasises from the outset under the key guiding principles that: *“The aim is to definitively overcome the emergency phase, which has characterized the past years, especially when intervening in and working on the relevant situation in large urban areas.”*²³
27. The NSRI also makes clear that it will fully consider *“the international and regional human rights standards, including in particular Conventions, relevant legislation and case-law, Initiatives, Acts, and so forth”*²⁴ whilst seeking to *“promote equal treatment and social and economic inclusion of the RSC communities, while ensuring a lasting and sustainable improvement of their living conditions... as well as their participation in the social development, besides ensuring the enjoyment of citizenship-related rights, as envisaged in the Italian Constitution and international standards.”*²⁵
28. With regard to housing, the NSRI acknowledges that the vast majority of Romani families wish to live in houses, stating that it is necessary to overcome the policy of large segregated camps. It notes that both lack of housing and inadequate housing are the most extreme manifestations of poverty and social exclusion and that the use of “nomad camps” has fuelled marginalization. It acknowledges that in the past there has been an excessive use of evictions, which it describes as an “inadequate” tool, and that the camps have become places of degradation, but also that overcoming them is possible, notwithstanding the complexity of the measures necessary to achieve the transition to dignified housing.²⁶
29. At the time of its adoption, Amnesty International welcomed the NSRI as an important step forward after the violations committed prior to and during the “Nomad Emergency” and to finally uphold the rights of the Romani population.²⁷ Since then, though, Amnesty International - as well as several other international human rights bodies, as detailed below at paras 32-35 - has noted the continued failure, year after year, of the local and national authorities to implement the NSRI. In particular, no significant progress has been registered in relation to the provision of housing. Both local and national authorities have taken very little action to implement the commitments to address inadequate provision, including by not concretely discontinuing the policy and practice of creating and running large segregated camps with poor living conditions.
30. Even when local authorities have embraced the principles of the NSRI on paper, they have often continued policies of segregation, forced evictions and exclusion from social housing. For example, as described below in Annexes 1 and 2 as part of the allegations in this complaint, *after* the adoption of the NSRI and in blatant contradiction of its aims and principles, (a) a new segregated camp was built in Rome (La Barbuta); (b) a large Romani community was transferred to a camp at Masseria del Pozzo subjecting them to wholly inadequate living conditions, near Giugliano, not far from Naples, only to be forcibly evicted again a few months later and transferred to an abandoned factory, again placing them in inhuman living conditions; and (c) another large Romani community was forcibly evicted from a settlement in the Gianturco area of Naples, with a small minority of families being transferred to a new segregated camp in Via del Riposo and the rest rendered homeless.
31. While local authorities have in many cases totally disregarded the NSRI, particularly in relation to the need to desegregate and prevent forced evictions, the national government has failed to steer and lead on the implementation of the NSRI’s commitments. As detailed below at paras 154-168, the planning of a new segregated camp in Giugliano under the auspices and with funds of both Italy’s Ministry of Interior and the regional authorities demonstrates that even the national government is continuing to focus on camps as the default solution for Roma, instead of devoting sufficient resources to a range of adequate housing alternatives.
32. Importantly, failures and delays in the implementation of the NSRI in Italy have been noted also by the European Commission (the Commission) as part of its periodic monitoring of the national strategies for Roma inclusion. In 2012, in its initial assessment of the Italian NSRI the Commission highlighted the fact that Italy was one of many Member States that had failed to allocate sufficient budgetary resources for Roma inclusion. Specifically, the Commission concluded in relation to Italy *“ [t]he quantification of financial resources is difficult to determine as there are no quantitative targets for future actions.”*²⁸
33. In June 2016, the Commission published a further assessment of the period up to 2015. The assessment highlighted that in Italy housing discrimination against Roma had not fundamentally improved in the period under

²³ National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities – European Commission Communication No. 173/2011, p 3

²⁴ NSRI, p 5

²⁵ NSRI, pp 21-22

²⁶ NSRI, pp 78-79

²⁷ <https://www.amnesty.it/dichiarazione-di-amnesty-international-allansa-sullincontro-al-ministero-per-la-cooperazione-internazionale-e-lintegrazione/>

²⁸ See http://ec.europa.eu/justice/discrimination/files/country_factsheets_2012/italy_en.pdf

examination. In particular, the Commission concluded that existing measures had not been transformed into a nationwide coherent strategy to address the systematic nature of the problem in the country.²⁹

34. The assessment by the EU was also echoed by the Council of Europe's Commissioner for Human Rights (the Commissioner). In a letter to the Italian President of the Council of Ministers in January 2016, he noted "with regret" that "past policies, [which are] in contradiction not only with Italy's international obligations, but also with its national strategy" were continuing, and added: "I would like to stress my preoccupation regarding the lack of resources devoted to the implementation of the strategy at the national level in comparison with the magnitude of the task ahead, including as regards the capacity of UNAR [Ufficio Nazionale Anti-Discriminazioni] which was designated as the focal point in the strategy."³⁰ Concern about UNAR's lack of independence in law and in fact and about the inadequacy of the human and financial resources available to it to carry out its mandate effectively is shared by other human rights bodies such as CERD.³¹
35. The failure to effectively implement the NSRI and, consequently, the failure to concretely improve the Roma's enjoyment of the right to housing have been most recently raised in the Concluding Observations on Italy by CERD in 2017. CERD recommended that Italy "Ensure that the national strategy for the inclusion of Roma, Sinti and Caminanti communities for the period 2012-2020 leads to concrete and tangible improvement of the enjoyment of their rights by Roma, Sinti and Caminanti, including by eliminating statelessness, and ensuring that (a) Roma, Sinti and Caminanti communities are able to participate effectively in the development and implementation of the strategy; (b) the impact of the strategy is monitored and evaluated regularly, based on comprehensive data; and (c) there are adequate human and financial resources to implement the strategy effectively."³²

2.3 ITALY'S CONTINUED FAILURE TO BRING THE HOUSING SITUATION OF ROMA IN CONFORMITY WITH THE REVISED CHARTER

36. The Committee will be well aware that it has repeatedly found Italy in breach of its Article 31 obligations, specifically in two decisions on the merits issued in 2005³³ and 2010³⁴ and in its conclusions and assessments of follow-up to the decisions on the merits in the period between 2005 to date.
37. In *ERRC v Italy*³⁵, the Committee, in holding that Italy was in breach of Article 31(1),(2),(3) taken together with Article E, found that Italy had failed to take steps to ensure that Roma had access to housing of a sufficient quality and quantity to meet their particular needs; to ensure that evictions were carried out in a manner that respected the dignity of those involved and to provide evidence to refute the claim that Roma had been subjected to unjustified violence during evictions; to provide any information to show that the right of access of Roma to social housing was effective in practice or that the criteria regulating access to social housing were not discriminatory; and to take into consideration the different situation of Roma or to introduce measures specifically aimed at improving their housing conditions and their effective access to social housing.³⁶ These same concerns and findings were reiterated in the 2007 Conclusions of the Committee.³⁷
38. In 2010, in *COHRE v Italy*, the Committee again found Italy to be in breach of Article E taken in conjunction with Article 31(1), (2) and (3), as well as with Articles 30, 16 and 19.³⁸ With regard to Article 31(1), the Committee found that the living conditions of Romani people in camps had worsened following the adoption of measures linked to the "Nomad Emergency". The Committee noted that because the measures targeted Roma and no adequate steps were put in place to take due and positive account of the differences of the people concerned, the situation amounted to stigmatization, which constituted discriminatory treatment. With regard to Article 31(2), the Committee found that evictions of Romani people continued to be carried out without respecting the dignity of the persons concerned and without alternative accommodation being made available. The Committee found that Italy had not provided credible evidence to refute claims of unjustified violence during evictions and no systematic

²⁹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52012SC0133>

³⁰ CoE Commissioner for Human Rights, letter to the Prime Minister of Italy, [https://rm.coe.int/ref/CommDH\(2016\)11](https://rm.coe.int/ref/CommDH(2016)11)

³¹ Committee on the Elimination of Racial Discrimination, Concluding observations (2017) CERD/C/ITA/CO/19-20, paras 12 and 13

³² See Concluding observations of the CERD, CERD/C/ITA/CO/19-20, at <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/ITIndex.aspx>

³³ Complaint No. 27/2004 (*ERRC v. Italy*)

³⁴ Complaint No. 58/2009 (*COHRE v. Italy*)

³⁵ All documents related to Complaint 27/2004 are available at https://www.coe.int/t/it/web/turin-european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-27-2004-european-roma-rights-center-errc-v-italy?inheritRedirect=false

³⁶ See *European Committee of Social Rights, Decision on the merits*, Complaint No. 27/2004, at [http://hudoc.esc.coe.int/eng/{"ESCDcIdentifier":"cc-27-2004-dmerits-en"}](http://hudoc.esc.coe.int/eng/{)

³⁷ The 2007 Conclusions are available at [http://hudoc.esc.coe.int/eng/{"ESCDcType":"FOND","Conclusion":"Ob"}](http://hudoc.esc.coe.int/eng/{)

³⁸ The Decision on the merits of Complaint No. 58/2009 (*COHRE v. Italy*) is available at <http://hudoc.esc.coe.int/eng/?i=cc-58-2009-dmerits-en>; all documents related to Complaint 58/2009 are available at [http://hudoc.esc.coe.int/eng/{"ESCDcIdentifier":"cc-58-2009-Assessment-en"}](http://hudoc.esc.coe.int/eng/{)

investigation and prosecution had taken place of those involved in violence and destruction of property in connection with evictions and raids in Romani settlements. This situation also amounted to stigmatization, constituting discriminatory treatment. Importantly, the Committee considered that the lack of protection and investigation measures in cases of generalized violence against Roma, allegedly perpetrated by officials, implied an aggravated responsibility of the state and resulted in an aggravated violation of the Revised Charter, since the measures taken by the authorities had specifically targeted vulnerable groups and the authorities not only had not taken action against the perpetrators but had contributed to the violence. With regard to Article 31(3), the Committee found that the situation of segregation of Roma in camps was in breach of Revised Charter obligations and that there was no evidence to establish that Italy had taken sustained positive steps to improve the lack of accessible and affordable permanent dwellings of an adequate quality for Romani people. Importantly, the Committee underlined that the ultimate responsibility for policy implementation, involving at a minimum oversight and regulation of local action, lay with the Italian state, regardless of distribution of competences between the national level and the regions.

39. In the 2011 Conclusions³⁹, the Committee stated that the situation in Italy continued not to conform with Article 31(1) because the measures taken to improve the substandard housing conditions of Roma remained inadequate and the follow-up to this same finding in *ERRC v. Italy* had been unsatisfactory. The Committee also noted that this situation had also led to the finding of violations in *COHRE v. Italy*. Furthermore, it concluded that the situation in Italy did not conform with Article 31(2) because insufficient measures had been taken to reduce homelessness; evictions of Roma continued to be carried out without regard to the necessary procedural safeguards to guarantee full respect of every individual's human dignity and without alternative accommodation being made available; and police intervention in Roma settlements did not respect the dignity of their inhabitants. The Committee also noted that the second ground of non-conformity was one which led to the finding of a violation in *ERRC v. Italy*; that during the reference period, the follow-up to this finding was unsatisfactory; and that the second⁴⁰ and third⁴¹ grounds also led to the findings of violations in *COHRE v. Italy*.⁴² Finally, the Committee also concluded that Italy had not complied with its obligations under Article 31(3) because, among other grounds, it had not been demonstrated that resources were invested with the effect of improving access of Roma to social housing without discrimination. It noted that this had led to the finding of violations in *ERRC v. Italy* and that during the reference period, the follow-up to this finding had been unsatisfactory, and that this also led to the finding of violations in *COHRE v. Italy*.⁴³
40. In December 2015, the Committee made an assessment of the follow-up to its decision in *COHRE v. Italy*.⁴⁴ The Committee examined information provided by Italy, namely the adoption of the NSRI, and although it acknowledged that some progress had been made with regard to access to social housing in some cases, overall it concluded that the situation still did not conform with Italy's obligations under Article 31(1), (2) and (3) of the Revised Charter.
41. In February 2016, the Commissioner published the letter sent to the Italian government⁴⁵ and the reply received from the Prime Minister⁴⁶ where he raised his concerns in relation to ongoing accounts of forced evictions and segregation in camps of Roma.

2.4 REITERATED INTERNATIONAL AND REGIONAL CONCERN FOR THE SITUATION OF ROMA IN ITALY GOES UNHEEDED

42. In recent years, international and regional human rights bodies have consistently reiterated and confirmed the Committee's findings set out above. They have urged Italian authorities to end the practice of forced evictions and develop strategies to fulfil the right to adequate housing of Roma and other marginalised communities. They have also called on the authorities to address the widespread discrimination against Roma in access to housing,

³⁹ The 2011 Conclusions on Article 31 (1) are available at: <http://hudoc.esc.coe.int/eng/?i=2011/def/ITA/31/1/EN>

⁴⁰ Evictions of Roma and Sinti continue to be carried out without respecting the necessary procedural safeguards to guarantee full respect of every individual's human dignity and without alternative accommodation being made available

⁴¹ Intervention in Roma and Sinti settlements by the police, has not been respectful of the dignity of their inhabitants and those responsible for destroying the personal belongings of the inhabitants of the settlements have not always been investigated nor have they, if identified, been condemned for their acts

⁴² The 2011 Conclusions on Article 31 (2) are available at <http://hudoc.esc.coe.int/eng/?i=2011/def/ITA/31/2/EN>

⁴³ The 2011 Conclusions on Article 31 (3) are available at <http://hudoc.esc.coe.int/eng/?i=2011/def/ITA/31/3/EN>

⁴⁴ The Assessment is available at <https://rm.coe.int/16805939f5>

⁴⁵ Available at

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2890531&SecMode=1&DocId=2359474&Usage=2>

⁴⁶ Available at

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2890588&SecMode=1&DocId=2359482&Usage=2>

education, healthcare and employment, and the anti-Roma rhetoric used by some politicians and representatives of the authorities, who have often held Roma collectively responsible for increased crime rates without any concrete evidence.

43. In its most recent assessment, in 2015, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed continuing concern about the shortage of affordable housing units and of social housing and about the “de facto exclusion of Roma from accessing social housing”, as well as about the increased number of homeless persons in the State party and the inadequate measures taken to address homelessness. CESCR also expressed concern about the “absence of a legal framework governing evictions” and “the increased incidence of forced evictions, particularly of Roma and those who cannot afford the increased rental costs.” Furthermore, CESCR was concerned about the “substandard living conditions of Roma, many of whom live in informal settlements or in de facto segregated Roma camps”. To remedy such problems, CESCR recommended, among other measures, that Italy adopt legislation to increase affordable rental housing; adopt a strategy to combat homelessness; increase the availability of social housing units and ensure there are no criteria that directly discriminate against Roma in accessing social housing; develop a legal framework on evictions that is compliant with international standards; avoid carrying out forced evictions; take effective and immediate measures to end the segregation of Roma living in camps; prioritize the regularization of informal settlements and work out other solutions in meaningful consultation with Roma; determine without delay the minimum essential levels as core elements of housing required to meet the needs of disadvantaged and marginalized people; and ensure that Roma living in informal settlements enjoy access to basic services.⁴⁷
44. In its 2017 Concluding Observations on Italy, CERD reiterated its “deep concern at the persistent and entrenched discrimination that these communities continue to experience.” CERD expressed particular concern about: “(a) The continued practice of forced evictions of Roma, Sinti and Camminanti communities throughout the State party, which has a particularly negative impact on children remaining in school; (b) The fact that Roma, Sinti and Camminanti communities continue to live in segregated camps or housing areas with substandard accommodation, many unsuitable for human habitation, and in remote areas distanced from basic services, including health care and schools; (c) The construction by municipal authorities of new segregated Roma-only camps; and (d) The introduction by local authorities of criteria to assess social housing and other forms of housing benefit that discriminate against Roma, Sinti and Camminanti.”⁴⁸
45. CERD recommended that Italy, among other things, halt any plans to carry out further evictions of Romani communities or to establish new segregated camps or segregated housing areas that separate them from the wider society; end the use of segregated camps and ensure the provision of adequate and culturally appropriate accommodation to Roma as a matter of priority; and review and amend national, regional and municipal housing legislation, policies and practices to ensure that they do not discriminate against Roma in the enjoyment of their rights, in particular their access to social housing and other forms of housing benefit.⁴⁹
46. In addition, in 2017, the UN Human Rights Committee (HRC) in its Concluding Observations stated that it remained “concerned at the persistent discrimination and segregation faced by Roma, Sinti and Camminanti communities”. Among other concerns, the HRC raised “the continuing practice of forcibly evicting members of the Roma, Sinti and Camminanti communities throughout the State party”; and “the construction by municipal authorities of new segregated Roma-only camps”. The HRC called on Italy to intensify efforts to eradicate the persistent discrimination and segregation against the Roma and take all feasible measures to avoid the forced eviction of Roma and, in case of evictions, ensure that the affected communities enjoy legal protections and are provided with adequate alternative housing; and halt any plans that are likely to result in new segregated camps or segregated housing areas.⁵⁰
47. The Commission, the EU’s executive body, has also kept Italy’s policies and practices affecting the right to adequate housing of Roma under review with respect to potential breaches of the EU’s Race Equality Directive (RED).⁵¹
48. In September 2012, the Commission opened an EU pilot investigation into the situation. The EU pilot investigation was introduced with the aim of finding quicker and better answers to questions concerning the application of EU

⁴⁷ UN Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Italy, E/C.12/ITA/CO/5, 28 October 2015, at <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/ITIndex.aspx>

⁴⁸ Paras 21 and 22, UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined nineteenth and twentieth periodic reports of Italy, CERD/C/ITA/CO/19-20, 17 February 2017, at <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/ITIndex.aspx>

⁴⁹ UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined nineteenth and twentieth periodic reports of Italy, CERD/C/ITA/CO/19-20, 17 February 2017, at <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/ITIndex.aspx>

⁵⁰ UN Human Rights Committee, Concluding observations on the sixth periodic report of Italy, CCPR/C/ITA/CO/6, 1 May 2017, at <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/ITIndex.aspx>

⁵¹ The Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, known as the Race Equality Directive, was adopted by the EU in 2000 to promote human rights and combat discrimination. It prohibits discrimination based on race or ethnicity in the workplace, education, access to goods and services, health-care and housing

law without resorting to the formal infringement procedure. The Commission gives itself, as a general rule, a deadline of one year for the decision to open an infringement procedure or to close the case.

49. As part of the investigation and the associated dialogue between the Commission and the member state, the former requested Italy to provide specific information on the housing situation of Roma. The confidential nature of the procedure has meant that this information has never been made available to NGOs.
50. The EU pilot investigation against Italy remains open at the date of this submission. Amnesty International has advocated for the Commission to open infringement proceedings against Italy for breach of the RED since 2012 and, together with other NGOs, submitted numerous reports providing evidence of Italy's lack of compliance with the RED.⁵² Yet, Amnesty International continued to be told that the Commission was still examining the compatibility of Italian law and its application with the RED. It is an indication of the Commission's continuing concern for the situation that it has kept the EU pilot open for several years. Amnesty International also notes that the Commission's informal dialogue with the Italian government has not brought an end nor a remedy to the breaches of the RED.
51. Given the long delay in the opening of formal infringement proceedings, in February 2018 Amnesty International submitted a complaint to the EU Ombudsman requesting that they investigate the failure of the Commission to properly implement the EU pilot procedure in relation to its engagement with Italy for breach of the RED, much of which also informs allegations contained in this complaint.⁵³ In the complaint, Amnesty International argued that the current delay of five and a half years to conclude the EU pilot investigation on Italy for breach of the RED amounts to maladministration.
52. In March 2018, the EU Ombudsman replied that Amnesty International's complaint was admissible and that the substance of the case will be examined. A decision by the EU Ombudsman is expected in 2019, after the deadline for a formal reply by the Commission expires on 28 February 2019.
53. It is evident from the repeated concern expressed and the specific recommendations articulated by these international and regional bodies that the living conditions of thousands of Roma in Italy remain deeply inadequate, including with respect to housing, and that Italy continues to fail to take sufficient action to improve them. Indeed, in many cases the Italian authorities are acting completely contrary to specific recommendations by, for example, continuing to forcibly evict and transfer Roma to segregated camps.
54. It is submitted that based on the evidence collected by Amnesty International and other organisations presented below, that there have been no significant improvements in the housing situation of the Roma since the assessments of these respective international and regional bodies and indeed the prospects look even bleaker, given the recent political developments in the country.

2.5 INCREASINGLY BLEAK PROSPECTS FOR THE PROTECTION OF ROMA'S RIGHTS IN ITALY

55. Rather than envisaging improvements in the housing situation of the Roma, the future looks even bleaker for the wider protection of Roma's human rights in Italy following the March 2018 general election. The new government, sworn in on 1 June 2018, has included measures targeting Roma in its programme, and although they are only briefly sketched out, the tone, choice of words and inaccurate data in the document raise serious concerns. The "Contract for the government of change"⁵⁴ signed by the Five Star Movement and the Northern League includes under Point 23 on "Security, legality and police forces", a paragraph stating that "nomad camps" are proliferating; that there has been an exponential increase of offences committed by their inhabitants; and that some 40,000 Roma live in "nomad camps" (without any supporting evidence for this figure). The document further states that the following actions are required: "closure of all irregular nomad camps as required by European directives; combatting toxic bonfires; compulsory school attendance for minors on pain of removal from the family or loss of guardianship by the parents." It concludes by stating that in any event "we propose to act for the full overcoming of Romani camps consistently with EU laws". However, this statement completely fails to take into account that there is no commitment or plan to rehouse residents in line with international human rights standards.
56. Amnesty International notes that in recent years Italian authorities at both the national and local level have mostly refrained from describing authorized camps and informal settlements as "nomad camps" in an acknowledgment that the Romani families living in them do not practice a nomadic lifestyle. Furthermore, the most credible

⁵² Amnesty International's submissions to the Commission are available at: <http://www.amnesty.org/fr/library/info/EUR30/011/2012/en>

⁵³ Amnesty International's complaint about the European Commission's failure to properly implement the EU pilot procedure is on file at Amnesty International

⁵⁴ https://images2.corriereobjects.it/Media/pdf/contratto_governook.pdf

estimate puts the number of Roma living in informal and authorized camps and in shelters for Roma at 26,000 (see above section 1.3). No evidence is provided for the allegation that criminal offences committed by Roma living in camps are significantly increasing.

57. While the tone and the inaccurate use of information are of concern in and of themselves, even more worrying is the proposal to “close all informal settlements”. In the absence of clear and publicly available plans detailing how the government proposes to close informal settlements and where it proposes to rehouse the affected people, it is likely that closure of settlements will lead to bulldozing of makeshift homes and forcibly evicting families, only to render them homeless and vulnerable to other human rights violations and thereby repeating an historical and vicious cycle.

3. SUBSTANCE OF THE COMPLAINT

3.1 ARTICLES OF THE REVISED CHARTER AT ISSUE IN THE PRESENT COLLECTIVE COMPLAINT:

3.1.1 ARTICLE 31: THE RIGHT TO HOUSING, READ ALONE OR IN CONJUNCTION WITH ARTICLE E (NON-DISCRIMINATION)

58. The present collective complaint alleges violations by Italy of Article 31(1),(2) and (3) of the Revised Charter, read alone or in conjunction with Article E, which have continued to take place since the “Nomad Emergency” was declared unlawful in 2011, and notwithstanding the adoption by Italy of the NSRI in February 2012.
59. Local and national authorities continue to create conditions that lead to Roma (a) experiencing and remaining disproportionately vulnerable to forced evictions; (b) living segregated in mono-ethnic camps, often in substandard housing; and (c) remaining vulnerable to being negatively affected both directly and indirectly by discriminatory criteria for allocation of social housing, which reduce their chances to get any form of housing assistance beyond that offered in segregated camps and reception centres.
60. As stated above at paras 36-4, these violations should be considered in light of Italy’s continuing failure to address the findings of the Committee in Collective Complaints Nos. 27/2004 and 58/2009 and subsequent reporting. Amnesty International notes that, following consideration of the information provided by Italy and registered on 15 May 2015, the Committee concluded that the situation, as raised in Complaint 58/2009, had not been brought into conformity with the Charter.⁵⁵ Amnesty International further notes that with respect to Article 30 of the Revised Charter on the right to be protected against poverty and social exclusion, the Committee stated in its Conclusions in 2017, “With respect to its previous conclusion that there is discriminatory treatment of migrant Roma and Sinti with regard to citizen’s participation (*Centre on Housing Rights and Evictions (COHRE) v. Italy*, Complaint No. 58/2009, decision on the merits of 25 June 2010), the Committee refers to its Findings 2015 on follow-up to decisions in collective complaints, in which it held that the situation had not been brought into conformity with the Charter, as well as to its next examination of the follow-up to this decision, which will take place in 2018.”⁵⁶
61. Furthermore, since the findings of the Committee in Collective Complaint 58/2009, the Council of Europe Commissioner for Human Rights⁵⁷, CERD⁵⁸ and HRC have also expressed concern at the persistent violation of Roma rights in Italy, including with regard to the violations raised in Collective Complaint 58/2009 (see paras 42-46).⁵⁹ In addition, as stated at paras 47-54, in September 2012, as part of the EU Commission’s assessment of the need to open infringement proceedings against Italy for breach of the RED (2000/43/EC) in relation to

⁵⁵ See the *Assessment of the follow-up: Centre on Housing Rights and Evictions (COHRE) v. Italy, Collective Complaint No. 58/2009* at [http://hudoc.esc.coe.int/eng/#!\[*"ESCDIdentifier":\[*cc-58-2009-Assessment-en*\]\]](http://hudoc.esc.coe.int/eng/#![*). See also *Follow up to Decisions on the Merits of Collective Complaints – Findings 2015*, pp 105 to 115 at <https://rm.coe.int/16805939f5>

⁵⁶ See at p 618, <https://rm.coe.int/compilation-of-conclusions-2017-by-country/1680786061>

⁵⁷ Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Italy, from 3 to 6 July 2012 (CommDH(2012)26, 18 September 2012), available at <https://rm.coe.int/16806db861>

⁵⁸ UN CERD, Concluding observations on the combined 19th and 20th periodic reports of Italy, CERD/C/ITA/CO/19-20, 17 February 2017, paras 21 to 22

⁵⁹ UN Human Rights Committee, *Concluding observations on the sixth periodic report of Italy*, CCPR/C/ITA/CO/6, 1 May 2017, paras 12 to 15 and 22 to 23

discriminatory treatment of Roma with regard to equal access to adequate housing, the Commission opened a pre-infringement phase or “pilot” proceeding⁶⁰ and requested Italy to provide relevant information.⁶¹ The EU pilot investigation remains open at the time of this submission.

SPECIFIC ALLEGATIONS

It is alleged that Italy is in violation of Article 31, read alone or in conjunction with Article E, due to the continued perpetration of forced evictions, segregated and substandard housing, and use of discriminatory criteria for the allocation of social housing.

62. Article 31 of the Revised Charter states:

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

(1) to promote access to housing of an adequate standard;

(2) to prevent and reduce homelessness with a view to its gradual elimination;

(3) to make the price of housing accessible to those without adequate resources.

63. Article E of the Revised Charter states:

The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

64. Having continued to document the housing situation of Roma in Italy since the Committee’s June 2010 unanimous finding that Italy was in violation of Article E taken in conjunction with Article 31 (1), 31 (2) and 31 (3), among other breaches⁶², Amnesty International submits that Italy remains in breach of its Article E and Article 31 obligations with respect to Roma housing rights.

65. As the below sections will demonstrate, Italy continues to fail to promote sufficient equal access to housing of an adequate standard for the Roma; is not preventing and reducing homelessness (indeed, its policies are contributing to Roma homelessness following forced evictions carried out by local authorities); and continues to fail to make affordable housing accessible to those who are unable to provide for themselves. The authorities are deliberately compounding Romani people’s exclusion from the full enjoyment of the right to adequate housing by implementing discriminatory policies and practices, including forced evictions, housing segregation and unequal access to social housing.

3.1.2 ARTICLES 31(1) AND (2), TOGETHER WITH ARTICLE E: PATTERN OF FORCED EVICTIONS

RELEVANT LEGAL STANDARDS

66. International and regional human rights treaties to which Italy is a party enshrine the principle that all persons must have equal protection against forced evictions, including Article 11 of the International Covenant on Economic, Social and Cultural Rights; Article 17 of the International Covenant on Civil and Political Rights; and Article 8(1) of the European Convention on Human Rights.

67. CESCR has defined forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” This definition recognises that all persons, regardless of the legality of their tenure, are protected from forced evictions.⁶³

68. Forced evictions are prohibited under international law with CESCR holding that “forced evictions are prima facie incompatible with the requirements of the Covenant.”⁶⁴ Consequently, the prohibition on forced evictions is an

⁶⁰ https://ec.europa.eu/transport/media/media-corner/infringements-proceedings_en

⁶¹ <https://www.amnesty.org/en/documents/eur30/011/2012/en/>

⁶² *COHRE v Italy*. The Decision on the merits of Complaint No. 58/2009 (COHRE v. Italy) is available at <http://hudoc.esc.coe.int/eng/?i=cc-58-2009-dmerits-en>; all documents related to Complaint 58/2009 are available at [http://hudoc.esc.coe.int/eng/#/\["ESCDIdentifier":\["cc-58-2009-Assessment-en"\]\]](http://hudoc.esc.coe.int/eng/#/[)

⁶³ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 8(a)

⁶⁴ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 18

immediate obligation.⁶⁵ In this context, states must provide to all, irrespective of their type of tenure, a degree of security of tenure sufficient to guarantee legal protection against forced eviction, harassment and other threats in a non-discriminatory way.⁶⁶

69. As part of their obligation to respect the right to adequate housing states must abstain from carrying out or otherwise advocating the forced or arbitrary eviction of persons and groups. States must respect people's rights to build their own dwellings and order their environments in a manner which most effectively suits their culture, skills, needs and wishes. Honouring the right to equality of treatment, the right to privacy of the home and other relevant rights also form part of the state's duty to respect housing rights.⁶⁷
70. Such obligations require that the authorities ensure that appropriate procedural and legal safeguards, as well as practical arrangements, are in place, including by:
- a) providing people affected by evictions with complete information about the proposed evictions within reasonable time,
 - b) serving adequate and reasonable notice prior to the scheduled date of the eviction to all those affected,
 - c) exploring in genuine consultation with those affected all feasible alternatives to evictions,
 - d) ensuring adequate alternative accommodation as required by international and regional human rights standards to all those who cannot provide for themselves and ensuring that nobody is left homeless or at risk of human rights violations as a result of an eviction,
 - e) and guaranteeing access to legal remedies and, where necessary, to legal aid to ensure that people in need can seek redress, including by being able to effectively challenge eviction decisions.⁶⁸
71. UN CESCR General Comment No 7 on the right to adequate housing imposes an obligation upon states to ensure that, "where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved."⁶⁹
72. With respect to non-discrimination, CESCR has elaborated that it is an immediate and cross-cutting obligation, with Article 2 (2) of the Covenant requiring states parties to guarantee non-discrimination in the exercise of each of the economic, social and cultural rights enshrined in the Covenant (including the right to adequate housing) and that it can only be applied in conjunction with these rights. In this context, discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights.⁷⁰ Prohibited grounds under Article 2(2) include race, national or social origin.⁷¹
73. Other UN bodies have also addressed forced evictions, including the HRC⁷², the CERD⁷³ and the Committee Against Torture (CAT). All three bodies have condemned forced evictions that have taken place as a result of discrimination against ethnic minorities. The CAT found that state acquiescence in the violent forced eviction of an ethnic minority community can amount to cruel, inhuman and degrading treatment.⁷⁴ The European Court of Human Rights (ECtHR) has also held that the manner in which an eviction is carried out, including destruction of property, combined with the personal circumstances of the victim, may amount to a breach of Article 3 of the European Convention of Human Rights.⁷⁵
74. The ECtHR has also condemned forced evictions in a number of cases as breaching the right to respect for the home, privacy and family life under Article 8 of the European Convention of Human Rights. In this respect, the ECtHR has made clear that there will be a violation of Article 8 where the eviction is not accompanied by the requisite procedural safeguards and a proper justification for the serious interference with human rights and

⁶⁵ OHCHR Fact Sheet 25 on Forced Evictions p 21 at <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

⁶⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 8(a)

⁶⁷ OHCHR Fact Sheet 21 on the Right to Adequate Housing at https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

⁶⁸ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Article 11.1 of the Covenant), 20 May 1997, especially paras 13 and 16

⁶⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Article 11.1 of the Covenant), 20 May 1997, especially para 10

⁷⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the international covenant on economic, social and cultural rights) para 7

⁷¹ See also Article 2(1) and 26 ICCPR and Article 1 ICERD.

⁷² *Naidenova and others v. Bulgaria* UN Human Rights Committee, communication 2073/2011 see also Concluding observations of the UNHRC: Kenya, 28 March 2005, CCPR/CO/83/KEN with respect to Article 17 ICCPR

⁷³ Concluding observations on the Czech Republic A/58/18 para 385

⁷⁴ *Hijrizi v. Yugoslavia*, Communication No. 161/2000: Yugoslavia, UN Doc. CAT/C/29/D/161/2000 (2 December 2002).

⁷⁵ *Dulas v Turkey* (2001), Application No. 25801/94, judgment of 30 January 2001 para 54

consequently cannot be regarded as justified by a ‘pressing social need’ or proportionate to the legitimate aim being pursued.⁷⁶

75. In a similar vein, the ECtHR found a violation of Article 8 where the applicants, in the proceedings with regard to the demolition of and forced eviction from their homes, had not had the benefit of an examination of the proportionality of the interference, in compliance with the requirements of Article 8, and found also that the national authorities had not conducted genuine consultations with the applicants about possible rehousing options, on the basis of their needs and prior to their forcible eviction.⁷⁷ According to the ECtHR, if an eviction will result in the strong likelihood of homelessness, there is a need for a close examination of the justification for the action.⁷⁸
76. The ECtHR has also stressed the need, as required by numerous international and Council of Europe instruments, to provide alternative accommodation in cases of forced eviction of Roma or travellers. In this respect, the national authorities have to take into account that such applicants belong to a vulnerable minority, and have to pay special consideration to their needs and their different way of life when devising solutions to the unlawful occupation of land or to deciding on possible alternative accommodation.⁷⁹

FACTUAL EVIDENCE

LEGISLATIVE AND POLICY GAPS IN ITALY

77. The Italian government acknowledged in the NSRI that there has been indeed an “excessive use of evictions” and their “substantial inadequacy”, and recognized the need to “respect the fundamental rights and dignity of persons involved in the process of social integration.”⁸⁰ National authorities, however, have taken no meaningful steps to stop local authorities from carrying out forced evictions, neither by providing guidance on the obligations that local actors have and the measures that need to accompany an eviction for it to be lawful under international law, nor by holding local authorities accountable when they carry out forced evictions.
78. Italy has ratified several relevant international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, that guarantee the right to adequate housing and which include a prohibition on forced evictions. However, forced evictions are not explicitly prohibited under national law in Italy and no guidelines exist for law enforcement officials and others involved in carrying out evictions setting out the relevant human rights laws and standards to be applied, including the measures to be taken to ensure respect for the rights of affected individuals before, during and after an eviction.⁸¹
79. While evictions from rented property are regulated by law, currently there is no legal framework governing the eviction of people from informal settlements and authorized or tolerated camps, leaving families with no security of tenure and exposed to violations of their right to family life and home, privacy, as well as a range of economic and social rights including the right to work, health and education.⁸²
80. In 2017, limited action on evictions more generally was taken when a new law was adopted by Parliament, Law 18 April 2017, no. 48, entitled “urgent measures regarding the security of cities”.⁸³ Article 11 provides that, when taking measures, including the use of public force, to implement judicial decisions regarding illegal occupations of property, prefects should give priority to the protection of vulnerable families; moreover, the provision of essential assistance by local authorities must be guaranteed to those entitled to it.
81. However, this law has yet to translate into better protections during actual evictions. For example, on 19 August 2017, hundreds of people, mostly from the Horn of Africa, including numerous children, were forcibly evicted from a building in the centre of Rome.⁸⁴ Many of the victims were recognized refugees who had been living and working in the area for several years. The authorities failed to provide adequate housing alternatives, leaving scores of people to sleep in the open for several days, before they were violently removed by police in riot gear. Several people were hurt by police using water cannons and batons. Some families were eventually rehoused temporarily outside Rome.⁸⁵

⁷⁶ *Connors v United Kingdom*, (2004) Application No. 66746/2001, judgment of 27 May 2004

⁷⁷ *Bagdonavicius and Others v. Russia* (2016) Application No. 19841/06, judgment of 11 October 2016

⁷⁸ *Marzari v Italy* [1999] 28 EHRR CD 175

⁷⁹ *Winterstein and Others v. France* (2013) Application No. 27013/07, judgment of 17 October 2013

⁸⁰ National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities – European Commission Communication No. 173/2011, p 78

⁸¹ See the Basic Principles and Guidelines on Development Based Evictions and Displacement, available at

http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf, and developed by the UN Special Rapporteur on Housing

⁸² See *On the Edge: Roma, Forced Evictions and Segregation in Italy*, Amnesty International Index: EUR 30/010/2012

⁸³ Available at p 36 of the official gazette n. 93 of 21 April 2017, here <http://www.gazzettaufficiale.it/eli/gu/2017/04/21/93/sg/pdf>

⁸⁴ <https://www.unhcr.it/news/unhcr-chiede-urgentemente-soluzioni-rifugiati-sgomberati-roma-ed-un-impegno-lintegrazione-livello-nazionale.html>

⁸⁵ See under Italy in *Amnesty International Report 2017/2018*; <https://www.unhcr.it/news/unhcr-chiede-urgentemente-soluzioni-rifugiati-sgomberati-roma-ed-un-impegno-lintegrazione-livello-nazionale.html>; <http://www.medicisenzafrontiere.it/notizie/news/sgombero-piazza-indipendenza-aimeno-13-feriti-tra-i-rifugiati>

82. In the aftermath of that forced eviction, on 1 September 2017, the Ministry of Interior issued a circular to prefects regarding measures to address illegal occupations of property and recalling and elaborating on the provisions in Article 11 of Law 18 April 2017, no. 48.⁸⁶ The circular created a national mechanism to gather data on public and private empty buildings that could be used for rehousing people. The circular also highlighted the role of “metropolitan committees”⁸⁷ as mechanisms where housing problems can be discussed with the contribution of all institutional and other stakeholders. Importantly, the circular reminded prefects that provincial committees for public order and security, where decisions about various aspects of public order and security are taken, including the use of force for carrying out evictions, should verify that conditions exist to guarantee the right to housing of those involved in each planned eviction. The circular expressly stated that the protection of vulnerable individuals and families should be the top priority that prefects should consider during evictions. The circular went on to state that it is indispensable that prefects liaise with local authorities in the planning of an eviction to identify the measures that must be put in place beforehand.
83. While the circular was a sign that national authorities appeared to have become more concerned about the risk that major evictions from occupied buildings could result in vulnerable people being rendered homeless, it remained unclear what the concrete effect would be, given that forced evictions were still taking place and that vulnerable individuals and families were being rendered homeless and/or forced into degrading living conditions. It should also be noted that the circular addressed only evictions from occupied buildings and appeared to refer to large-scale occupations in bigger cities (“metropolitan” cities). Consequently, it would not apply to most Romani families at risk of forced evictions who live in informal settlements and authorized or tolerated camps.
84. Neither Law 48/2017 nor the circular attempted to implement all relevant aspects of international law and standards (such as providing notice to all those affected; engaging in genuine consultation and offering a range of adequate housing alternatives) to ensure that evictions from occupied buildings are carried out lawfully.
85. On 1 September 2018, following the establishment of the Northern League – Five Stars Movement coalition government, the Ministry of Interior issued another circular providing guidance to prefects to counter the arbitrary occupation of property including through timely forcible evictions. The new circular affirms that, according to relevant jurisprudence, the right to property is only partially limited by the need to ensure the primary needs of the most vulnerable individuals (“...il diritto di proprietà receda limitatamente ed esclusivamente a fronte di quelle situazioni che possono pregiudicare l'esercizio da parte degli occupanti degli impellenti e irrinunciabili bisogni primari per la loro esistenza, collegati a una particolare condizione di vulnerabilità”), and that evictions should be carried out in a timely manner, attending only afterwards to the other relevant interests (“...necessità di attendere agli sgomberi con la dovuta tempestività, rinviando alla fase successiva ogni valutazione in merito alla tutela delle altre istanze.”). The circular invites the relevant authorities to carry out a census of people living in irregularly occupied properties to establish whether they have relatives who could support them. According to the circular, only in case of absence of any familial support available to vulnerable individuals and groups (as defined by social services) should the relevant authorities provide any assistance. No assistance appears to be envisaged for forcibly evicted people not regarded as being vulnerable. It is of concern that such a restrictive interpretation of the obligations of the authorities towards people who may be rendered homeless as a result of a forcible eviction is being adopted, in complete disregard of obligations under international laws and standards on the matter.⁸⁸

RECENT DATA ON, PRACTICES AND IMPACT OF FORCED EVICTIONS INCLUDING IN MAJOR CITIES

86. In the absence of an adequate legal framework protecting people from forced evictions in Italy, in recent years Italian authorities have continued to forcibly evict Romani families from camps and informal settlements throughout the country. According to the monitoring carried out by the Italian NGO Associazione 21 luglio, in 2017 there were at least 230 forced evictions in Italy affecting well over 1,500 Romani people.⁸⁹ According to the same source, in 2016 there were 28 forced evictions in Rome alone, affecting about 1,000 people; 20 in Milan, affecting 350 people; with an estimated 240 in the rest of the country.⁹⁰
87. Amnesty International has documented over a long period how authorities in several cities and towns across the country have carried out forced evictions of Romani families from informal settlements and authorized or tolerated camps in violation of the state’s international and regional human rights obligations.
88. Routinely, affected individuals are not provided with complete or even adequate information about the eviction, they are not genuinely consulted about feasible alternatives to eviction and/or alternative accommodation, given adequate notice and/or an opportunity to challenge the eviction and seek effective remedy. In many cases those affected are not provided with any legal documentation such as a court order. In numerous cases, health and

⁸⁶ Available at http://www.interno.gov.it/sites/default/files/circolare_sgombero_immobili_1_sett_2017.pdf

⁸⁷ Article 6 of Law 48/2017 establishes “metropolitan committees”, composed by all the mayors and the prefect in charge of “metropolitan areas”, the administrative areas including and surrounding the biggest Italian cities.

⁸⁸ The circular is available at http://www.interno.gov.it/sites/default/files/circolare_2018_0059445.pdf

⁸⁹ <http://www.21luglio.org/21luglio/rapporto-annuale-2017-26-mila-rom-emergenza-abitativa-2/>

⁹⁰ <http://www.21luglio.org/21luglio/rapporto-annuale-2016/>

safety has been used as a basis for the decision to close a camp, which then triggers an accelerated eviction procedure routinely breaching international standards on evictions.

89. As the cases below show, evictions continue to be carried out in nearly all cases without the offer of adequate alternative accommodation. Evictions from informal camps are often accompanied by an offer of merely temporary accommodation for only women and small children in public dormitories or other emergency shelters, something which is often refused by families who wish to remain together (see Annex 1). In the absence of appropriate domestic legislation, local authorities consider themselves not to be obliged to make offers of adequate alternative accommodation to everybody affected by evictions, including whole families, in disregard of international requirements to provide adequate alternative housing.⁹¹
90. Municipal authorities responsible for social services in Rome told Amnesty International that in some instances the decision to evict a certain group of people was taken by other authorities (such as the prefecture) or officials within the municipality (such as the municipal police), without their consent or even knowledge.⁹² In other cases, Amnesty International was told that placement in shelters could not be offered at all because of lack of sufficient spaces, but this did not preclude the forced eviction from being carried out in the first place (see for example the case of the Gianturco eviction⁹³). The very fact that the Ministry of Interior had to issue the September 2017 circular reminding prefects of the need to coordinate with local authorities to assess and prioritize the situations of those to be evicted before carrying out an eviction shows that failure of coordination among all relevant authorities continues to be a systemic problem.
91. The frequent result of such forced evictions is that families, after being forcibly evicted and without provision of alternative housing, are rendered homeless and frequently end up rebuilding improvised dwellings (effectively, shacks), often in even more precarious living conditions. Romani families are thus caught in a vicious circle, whereby forced evictions place them at continued risk of further forced evictions and other human rights violations. Their possessions are often destroyed during the eviction. Many families experience several forced evictions within the period of a few years or even months. In addition to being traumatizing, especially for children, forced evictions disrupt education for children and work for adults. Children enrolled in education are often forced to abandon or change school after every forced eviction, or at the very least have their schooling interrupted for weeks or even months. Adults with a job are often unable to justify absences from work on the day of an eviction to their employers and, as result, have sometimes ended up losing their jobs.⁹⁴
92. Romani families are exposed to forced evictions whether they live in informal settlements or in authorized or tolerated camps, when the authorities which set up the latter decide to shut them down and transfer the residents elsewhere. This is notwithstanding the fact that the majority of residents of authorized and tolerated camps have been housed there by the same authorities after having been forcibly evicted from other settlements.⁹⁵ Amnesty International has documented the lack of security of tenure and of adequate legal remedies experienced by many families, for example at the time of the closure of the camp of Triboniano in Milan in 2010-2011, of Tor de' Cenci in Rome in 2013, and of Masseria del Pozzo in Giugliano in 2016, illustrated in Annex 1. Even Roma housed in segregated reception centres after having been forcibly evicted from their settlements or transferred there from authorized camps by the authorities can fall victim to forced evictions, as illustrated in the case of La Cartiera, Rome, in Annex 1.
93. The table below lists some of the major forced evictions across the country in the past eight years documented by Amnesty International and others, since the Committee's last ruling on the matter.

SOME RECENT FORCED EVICTIONS OF ROMA

Location	Date	Numbers of Roma people affected (approx.)
Camping River camp, Rome	26 July 2018	300
Settlement in Rome	18 December 2017	80
Germagnano settlement, Turin	June 2017	28-35
Gianturco settlement, Naples	7 April 2017	1300

⁹¹ See the Basic Principles and Guidelines on Development-based Evictions and Displacement, para 43

⁹² Meeting with Rome municipality's social services officials in Rome, on 31 March 2017. Notes on file at Amnesty International

⁹³ See Annex 1

⁹⁴ *Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan*, Amnesty International Index: EUR 30/022/2011, p 52-53

⁹⁵ *Double standards Italy's housing policies discriminate against Roma*, Amnesty International Index: EUR 30/008/2013, October 2013, p 26

La Cartiera segregated reception centre, Rome	1 August 2016	38
Masseria del Pozzo camp, Giugliano	21 June 2016	300
Via Idro camp, Milan	15 March 2016	100
Val D'Ala settlement, Rome	14 July 2015	20
Lungo Stura Lazio settlement, Turin	26 February 2015	400
Val D'Ala settlement, Rome	9 July 2014	39

94. Detailed documented evidence of these evictions, including in some of Italy's major cities such as Rome, Milan and Naples, is presented in Annex 1. This, together with the information set out above, provides clear evidence of violations of Articles 31(1) and (2), together with Article E, with respect to the persistent and widespread practice of forced evictions.

3.1.3 ARTICLE 31(1) TOGETHER WITH ARTICLE E: PERPETUATION OF SEGREGATED AND SUB-STANDARD HOUSING

RELEVANT LEGAL STANDARDS

95. In its General Comment 4 on the right to adequate housing, the CESCR stated: "In the Committee's view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity [...] irrespective of income or access to economic resources. Secondly, the reference in article 11 (1) must be read as referring not just to housing but to adequate housing."⁹⁶

96. CESCR went on to elaborate seven key elements of adequate housing:

"(a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;

"(b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

"(c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

"(d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing 5/ prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

⁹⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 7

"(e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

"(f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households.

Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

"(g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured."⁹⁷

97. Reflecting these standards, the Committee has stated that "adequate housing' means a dwelling which is structurally secure, safe from a sanitary and health point of view and not overcrowded, with secure tenure supported by the law." Further, the Committee has stated that adequate housing means that: "A dwelling is safe from a sanitary and health point of view if it possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc. and if specific dangers such as, for example, the presence of lead or asbestos are under control. Over-crowding means that the size of the dwelling is not suitable in light of the number of persons and the composition of the household in residence."⁹⁸
98. CESCR has made clear that "individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination."⁹⁹
99. Other relevant standards which are binding on Italy include Article 5(e)(iii) of the International Convention for the Elimination of Racial Discrimination (ICERD), which prohibits racial discrimination in the enjoyment of the right to housing and Article 3(1)(h) of the EU Race Directive, which bans race discrimination "in access to and supply of goods and services which are available to the public, including housing".¹⁰⁰
100. With respect to racial segregation, Italy is bound by Article 3 of the ICERD, which states: "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction."
101. The CERD has made clear that states parties such as Italy are required to "guarantee the equal enjoyment of the right to adequate housing for citizens and noncitizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices."¹⁰¹ In this context it has noted that "[i]n many cities residential patterns are influenced by group differences in income, which are sometimes combined with differences of race, colour, descent and national or ethnic origin, so that inhabitants can be stigmatized and individuals suffer a form of discrimination in which racial grounds are mixed with other grounds."¹⁰² Such segregation can limit access to many kinds of services, both public and private, distorts participation in political processes, affects the formation and maintenance of social groups, can lead to segregation in education and influences the sense of moral worth, or lack of it, which children acquire as they grow up in favoured or in stigmatised neighbourhoods.¹⁰³
102. More specifically, CERD has elaborated that states parties are obliged to develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing; to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance; to act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures

⁹⁷ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 8

⁹⁸ *European Committee of Social Rights, Conclusions Sweden on Article 31, 2003*

⁹⁹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 6

¹⁰⁰ The Race Directive 37 E/C.12/1/Add.31, 10 December 1998

¹⁰¹ CERD General recommendation No. 30 Discrimination against non-citizens (2004) para 32

¹⁰² CERD General recommendation No 19 The prevention, prohibition and eradication of racial segregation and apartheid (1995) para 3

¹⁰³ Statement made by CERD to Habitat II A/51/18, Annex II, para 4

denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.¹⁰⁴

103. In this context, CESCR requires states parties to adopt an active approach to eliminating systemic discrimination and segregation in practice. Tackling such discrimination will usually require a comprehensive approach with a range of laws, policies and programmes, including temporary special measures. States parties should consider using incentives to encourage public and private actors to change their attitudes and behaviour in relation to individuals and groups of individuals facing systemic discrimination or penalizing them in case of non-compliance. Public leadership and programmes to raise awareness about systemic discrimination and the adoption of strict measures against incitement to discrimination are often necessary. Eliminating systemic discrimination will frequently require devoting greater resources to traditionally neglected groups. Given the persistent hostility towards some groups, particular attention will need to be given to ensuring that laws and policies are implemented by officials and others in practice.¹⁰⁵

104. The ECtHR has concluded that, in certain cases, the living conditions and racial discrimination to which applicants have been publicly subjected by the way their grievances were dealt with by the various authorities can constitute an interference with their human dignity and, in the special circumstances of the case, can amount to 'degrading treatment' within the meaning of Article 3.¹⁰⁶

FACTUAL EVIDENCE

105. Since 2010, Amnesty International has repeatedly documented how Italian authorities continued to implement policies segregating Roma in camps, which are offered to them and to them only, as the sole housing option available. Amnesty International considers that camps constitute a discriminatory parallel housing system based on ethnicity and, as such, they are an inherently inadequate form of housing, irrespective of the quality of material housing, services and infrastructure. According to Amnesty International's research, Italian authorities have also systematically failed to ensure that the living conditions in camps meet international and regional standards on adequate housing, including Article 31 of the Revised Charter.

106. As a result, Roma living in authorized and tolerated camps continue to be discriminated against and entire communities continue to be deprived of their right to live in dignity, not only because they are segregated, but also because the accommodation made available to them has been repeatedly documented to be sub-standard and deeply inadequate.

107. International bodies have reiterated for over a decade how Italy has been failing to meet its international obligations leaving Roma in racially segregated, unsafe, unhealthy, and overcrowded accommodation with no security of tenure. Amnesty International has consistently confirmed these findings.¹⁰⁷ Although living conditions and the quality of housing can – to some degree – vary from camp to camp, none of the camps Amnesty International visited over the past nearly ten years, including as recently as 2017, provided adequate housing when tested against international standards.¹⁰⁸

108. Segregation has a negative impact on the lives of Roma living in camps and impedes their enjoyment of a number of human rights, as witnessed first-hand by the Council of Europe's Commissioner for Human Rights, Nils Muiznieks, who visited two Romani camps in the capital in 2012. Six years later, the account of his visit, as described in his report, remains a fair representation of the situation in Roma camps:

"85. During his visit in Rome, the Commissioner visited such an "equipped village", the camp of Via Salone, and observed first-hand the segregation imposed on Roma families forcibly evicted there. The biggest of eight such camps in Rome, this camp was opened in 2006 [...] It is surrounded by a metal fence and video surveillance cameras [not currently functioning], and accessible through a single, controlled entrance. It is in a very remote location, public transport, schools, shops, healthcare and other services being located several kilometres away and only accessible via a busy road which has no pavements, crossings or lights for pedestrians. [...]

86. Isolation, lack of interaction with the outside world and of prospects for employment and inclusion in mainstream society were among the main grievances raised by the inhabitants of the camp with whom the Commissioner met. They also informed him that

¹⁰⁴ CERD General recommendation No. 27 Discrimination against Roma (2000) paras 30 and 31

¹⁰⁵ CESCR General Comment 20 para 39

¹⁰⁶ *Moldovan and Others v. Romania* (2005) Applications 41138/98 and 64320/01, judgement 12 July 2005. The Court considered that the applicants' living conditions over the last ten years, and the related detrimental effect on their health and well-being, combined with the length of the period during which they had had to live in such conditions and the general attitude of the authorities, must have caused them considerable mental suffering, thus diminishing their human dignity and arousing in them feelings of humiliation and debasement

¹⁰⁷ For a detailed account of how housing in authorized camps for Roma breach all criteria articulated by the UN CESCR for adequate housing, see Amnesty International's report *Double standards: Italy's housing policies discriminate against Roma*, <https://www.amnesty.org/en/documents/EUR30/008/2013/en/>

¹⁰⁸ In recent years, Amnesty International has visited, among others, the following camps: Masseria del Pozzo near Gugliano and the industrial area of Giugliano; Via del Riposo and Secondigliano in Naples; Castel Romano, Nuova Barbuta and Candoni in Rome; Germagnano in Turin; Chiesa Rossa, Bonfadini and Via Sacile in Milan

the structural and living conditions in the camp had deteriorated considerably since its inauguration, in particular due to the overcrowding caused by a steep increase in evictions under the “Nomad emergency”. [...]

87. The Commissioner was informed that the local authorities indicated on several occasions that they considered the camp of via di Salone as a model camp, and that the newest “equipped village” of La Barbuta follows the same model. However, in the opinion of the Commissioner, the segregated conditions in these camps offer no prospect of gainful employment to the inhabitants, or even the possibility to interact with non-Roma persons and integrate into society. He also personally witnessed the sub-standard living conditions in a former authorised camp (Salviati II), which serve as an illustration as to the speed with which conditions can deteriorate in such segregated settings.

88. Thus, the Commissioner particularly regrets the information received during his visit that forced evictions to La Barbuta had already started, some taking place while he was in Rome. In the Commissioner’s view these actions can hardly be reconciled with the shift in policy required by the National Roma Inclusion Strategy, which is now in force in Italy. Instead, they show a regrettable continuity with previous official policy based on emergency. As noted in the reports of the Commissioner’s predecessor and the aforementioned decision of the Committee, that policy had fuelled an unprecedented spate of systematic forced evictions, often even chain evictions, with little regard for the personal circumstances of the persons concerned and for procedural safeguards.”

109. The Commissioner concluded his report on the matter by calling on Italy to relegate both segregated camps for Roma and forced evictions to the past and to give priority to the implementation of the NSRI, which rightly states that “the liberation from the camp as a place of relational and physical degradation [...] and relocation to decent housing is possible.”¹⁰⁹

110. Yet, notwithstanding the analysis and commitments contained in the NSRI regarding the need to overcome Roma camps, the perpetuation of segregation through the construction of new mono-ethnic camps and the refurbishment of existing ones continues to prevail over the implementation of measures aimed at overcoming discriminatory and segregated housing for Roma. While discriminatory housing policies are often devised and implemented by local authorities, national authorities in Italy have all but failed to counter discriminatory housing policies at local level and have in some instances provided funds to support them.

111. According to the monitoring conducted by the NGO Associazione 21 luglio, by the end of 2017, there were 148 authorized camps in 87 local authorities’ areas. The same organization found that, between 2012 and 2017 in the north of the country, new camps were built in Milan, Carpi, Merano and Moncalieri, to house some 240 people, costing approximately 4.700.000 euro, while refurbishment of existing camps cost about 920.000 euro and affected 430 people in Asti, Parma, Savona, Vicenza and Camposanto (Modena). In the same period, in the centre of the country new authorized camps were built in Rome and Pistoia and a reception centre for Roma only was also opened in Rome, overall affecting 1.000 people and with an estimated cost of 10.500.000 euro. Similarly, in the south of Italy new camps were built in Barletta, Catania, Cosenza, Lecce and Naples, to house a total of 1.220 people at a cost of 4.625.000 euro. Other projects throughout the country are under discussion or at varying stages of approval for the opening, refurbishment or maintenance of authorized camps.¹¹⁰ Associazione 21 luglio put the overall cost of housing segregation policies between 2012 and 2017, based on available information, to 82.000.000 euro, affecting 9.600 people.

112. Amnesty International has documented evidence of segregated and substandard housing experienced by Romani families across Italy including in major cities such as Rome, Milan and Naples both before and after the end of the “Nomad Emergency” and the adoption of the NSRI. This detailed evidence is set out in Annex 2 and is symptomatic of how local and national authorities alike are failing to prioritize policy changes that would bring housing for Roma in line with Italy’s international and regional obligations, including Article 31, combined with Article E of the Revised Charter. Consequently, the continued widespread persistence of segregated and substandard housing places Italy in breach of Article 31(1), combined with Article E of the Revised Charter.

¹⁰⁹ Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Italy from 3 to 6 July 2012, CommDH(2012)26, <https://rm.coe.int/16806db861>

¹¹⁰ For further details see *Associazione 21 luglio, Rapporto Annuale 2017*, pp 25-34

3.1.4 VIOLATION OF ARTICLE 31(3) TOGETHER WITH ARTICLE E: LACK OF EQUAL ACCESS TO SOCIAL HOUSING

RELEVANT LEGAL STANDARDS

113. CESCR has made clear that “individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination.”¹¹¹
114. CESCR has also noted that “States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others.”¹¹²
115. In this respect CESCR has made clear that the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.¹¹³
116. The obligation to fulfil requires states to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to adequate housing. This includes ensuring adequate housing to individuals or groups unable, for reasons beyond their control, to enjoy the right to adequate housing, notably through housing subsidies and other measures. States must also adopt a national housing policy or a national housing plan that: defines the objectives for the development of the housing sector, with a focus on disadvantaged and marginalized groups; identifies the resources available to meet these goals; specifies the most cost-effective way of using them; outlines the responsibilities and time frame for the implementation of the necessary measures; monitors results and ensures adequate remedies for violations.¹¹⁴
117. With respect to access to social housing CESCR has highlighted that even in the context of a wider housing shortage there is a need to ensure that groups in a vulnerable situation such as the Roma are prioritized.¹¹⁵
118. Other relevant standards which are binding on Italy include Article 5(e)(iii) of the International Convention for the Elimination of Racial Discrimination (ICERD), which prohibits racial discrimination in the enjoyment of the right to housing and Article 3(1)(h) of the EU Race Directive, which bans race discrimination “in access to and supply of goods and services which are available to the public, including housing”.¹¹⁶
119. CERD has found a breach of Articles 2 and 5(e) of ICERD where 27 members of a Roma community were denied housing by a municipal authority.¹¹⁷

FACTUAL EVIDENCE

120. In its 2011 review, the Committee found Italy did not conform with Article 31(3) of the Charter on the grounds that: “[...] it has not been demonstrated that resources have been invested with the effect of improving in practice access of Roma and Sinti to social housing without discrimination” and that the situation was not in compliance with the state’s obligations with Article 31§3 of the Charter as nationals of other Parties to the Charter and to the 1961 Charter lawfully residing or regularly working in Italy are not entitled to equal treatment regarding eligibility for social housing.¹¹⁸ Italy continued to fail to take into consideration the different situation of Roma or to introduce measures specifically aimed at improving their housing conditions, including the possibility for an effective access to social housing.

¹¹¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 6

¹¹² UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 11

¹¹³ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 7

¹¹⁴ UN factsheet 21 on the right to adequate housing pp 33-34 at https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf

¹¹⁵ Concluding observations on Poland, E/C.12/2016/SR.55 and 56, adopted 7 October 2016 paras 36 and 37

¹¹⁶ The Race Directive 37 E/C.12/1/Add.31, 10 December 1998

¹¹⁷ *L.R v Slovakia* Communication No 31/2003

¹¹⁸ The Committee went on to add that this ground of non-conformity is the one which led to the finding of violation in *ERRC v. Italy* back in 2005, where the Committee had concluded that there had been a violation of Article 31§3 on the ground that Italy had failed to provide any information to show that the right of access to social housing was effective in practice or that the criteria regulating access to social housing are not discriminatory. This ground of violation, the Committee further noted, corresponded to the one in *COHRE v. Italy*. In its 2011 conclusions, the Committee held that during the reference period the follow-up to the finding in *ERRC v. Italy* had been unsatisfactory

121. In the intervening seven years, Roma's access to social housing has not significantly improved, as highlighted by other human rights bodies.
122. In October 2015, CESCR expressed concern about the de facto exclusion of Roma from being able to access social housing. In this respect, it recommended that the government inter alia repeal any regional enactment or rescind any policy on eligibility for social housing that causes indirect discrimination against Roma and excludes them from access thereto.¹¹⁹
123. In February 2017, CERD expressed concern, among other issues, about the introduction by local authorities of criteria to assess social housing and other forms of housing benefit that discriminate against Roma, Sinti and Camminanti; recommending that Italy "review and amend national, regional and municipal housing legislation, policies and practices to ensure that they do not discriminate against Roma, Sinti and Camminanti in the enjoyment of their rights, in particular their access to social housing and other forms of housing benefit".¹²⁰
124. Amnesty International's research has focused on the allocation of social housing in Rome affecting the city's 4,400 Roma inhabitants in authorized camps. However, the systematic discriminatory housing practices and policies documented in this complaint, including homelessness and/or substandard accommodation in segregated camps following forced evictions across Italy, demonstrate the overall lack of access to decent affordable housing, thereby placing Italy in breach of Art 31(3).¹²¹

AN OVERALL SHORTAGE OF SOCIAL HOUSING

125. The discriminatory exclusion of Roma from adequate housing must be seen in the wider context of the long-standing lack of affordable housing across the country. Tens of thousands of non-Romani families are also experiencing a lack affordable housing in many parts of the country.¹²²
126. This was affirmed in October 2015 by CESCR when it continued to express concern about the shortage of affordable housing units and recommended that the state inter alia increase their availability.¹²³
127. The economic crisis in Italy has pushed a growing number of families into poverty. For some three million families, at the height of the world economic crisis in 2012-2013, housing costs amounted to over 40% of their income.¹²⁴ As a result, evictions increased significantly, the vast majority caused by the inability of tenants to continue to pay rents to private landlords due to unemployment or other loss of income including drastic cuts in housing benefits through austerity measures taken by the government.¹²⁵
128. The pressure on social housing is therefore growing, while at the same time the sector is shrinking. For decades, Italy has failed to replenish its social housing stock. The result is that social housing in Italy currently represents about 5% of the total housing stock. This is reflected in the fact that only 3.7% of Italians socially rent compared with 17% in France, 18% in the UK and Sweden, 23% in Austria and 32% in the Netherlands.¹²⁶ Historically social housing has not been funded by a regular steady source and there remains no dedicated housing ministry. Housing bodies are struggling to ensure ordinary maintenance and management of hundreds of thousands of social housing properties.¹²⁷

THE IMPACT OF DISCRIMINATORY CRITERIA TO APPLY FOR SOCIAL HOUSING

129. In Italy, social housing is regulated at the regional level. Regions determine in regional legislation the eligibility requirements to apply for social housing. Although these tend to be the same throughout the country, they can be applied more or less restrictively in different regions.

¹¹⁹ UN Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Italy (E/C.12/ITA/CO/5), paras 40 and 41. In 2004, the UN Committee on Economic, Social and Cultural Rights had expressed concern "about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma, in renting or obtaining public housing, owing to discrimination" and urged Italy to "take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma" and to "take effective measures to ensure that forced evictions of Roma and tenants who cannot pay their rents comply with the guidelines established by the Committee in its General Comment No. 7 and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants." See Concluding observations of the Committee on Economic, Social and Cultural Rights following the consideration of the fourth report of Italy (E/C.12/1/Add.103), 14 December 2004, paras 45 to 47

¹²⁰ UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined nineteenth and twentieth periodic reports of Italy, (CERD/C/ITA/CO/19-20), paras 21 and 22

¹²¹ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹²² A 2017 study concluded that 1.7 million are at risk of housing exclusion in Italy, see *The State of Housing in the EU 2017 (Housing Europe)* p 76 at www.housingeurope.eu/file/614/download

¹²³ UN Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Italy (E/C.12/ITA/CO/5), paras 40 and 41

¹²⁴ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹²⁵ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹²⁶ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹²⁷ Over 400,000 public housing units are in need of maintenance; see *The State of Housing in the EU 2017 (Housing Europe)* p 76 at www.housingeurope.eu/file/614/download

130. One such requirement is registered residency or proof of employment in the relevant region. Some regions require proof of continuous registered residency or employment for a minimum length of time, for example, five years in Lombardy.¹²⁸ A requirement of this kind results in indirect discrimination against some groups, including migrants and Roma. Romani families who are in urgent need of housing assistance have often lived for years in informal settlements without a registered residence. Furthermore, it is very rare for them to be able to show proof of regular employment. This is despite the fact that migrants and Roma are over-represented among groups needing support in access to housing.
131. In addition, a significant number of the Romani population in the country is composed of stateless people, a circumstance which excludes them from the possibility of applying for social housing and accessing other services, based on eligibility criteria of being a citizen of Italy or an EU country or having a long-term residence permit.
132. Regional legislation also determines the criteria according to which families should be prioritized. However, within the regional legislative framework, municipalities have discretion as to how they rank these criteria, ostensibly to adapt them to local needs. In public offers of social housing, criteria are assigned a certain value or number of points. The overall score is determined by the sum of the points assigned to each criterion which a family or individual is able to meet. Following an assessment of each application and determination of the overall score municipalities publish lists of applicants in order of priority. Because of the municipalities' discretion in ranking criteria, they effectively determine which categories of people will be prioritized in the allocation of social housing.¹²⁹
133. In recent years, municipalities experiencing affordable housing shortages, including Rome and Milan, have prioritized families lawfully evicted from private accommodations due to failure to meet regular rent payments – a problem which has affected large numbers of families since the economic crisis of 2008/2009. Proof of eviction resulting from a legal process is assigned a particularly high score for the purposes of the ranking. Because municipalities such as Rome and Milan have an insufficient stock of social housing available, only families at the top of the ranking can hope to ever be assigned a housing unit. Romani families who are systematically evicted from their homes in informal settlements or authorized camps in a forcible and unlawful manner and without access to a remedy have therefore been effectively excluded from accessing social housing.¹³⁰ A recent example was the rejection by the Lombardy Regional Tribunal in July 2017 of the application by a Romani person forcibly evicted from the authorized camp of Via Idro, Milan (see Annex 1), to consider the forced eviction as an eviction resulting from a legal process from a rented property, which would have allowed the applicant to increase their chances to access social housing.¹³¹

APPLICATION OF DISCRIMINATORY CRITERIA AGAINST THE ROMA – THE CASE OF ROME

134. Amnesty International has documented the lack of equal access to social housing for Roma and how discriminatory criteria discriminates against them focusing on the capital Rome. Detailed evidence is presented in Annex 3. This evidence demonstrates that Italy continues to be in breach of Article 31(3), combined with Article E of the Revised Charter with respect to lack of access to affordable social housing.

¹²⁸ Regione Lombardia, Legge Regionale 8 luglio 2016, n. 16 Disciplina regionale dei servizi abitativi, Art. 22

¹²⁹ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index EUR 30/008/2013 pp 33-34

¹³⁰ See *Double Standards* ibid. and *Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan*, Amnesty International Index: EUR 30/022/2011

¹³¹ The application was supported by ERRC, Casa della Carità and Sicut, a housing association, <http://www.vita.it/it/article/2017/07/04/milano-caro-tar-cosi-i-rom-non-si-integreranno-mai/143901/>

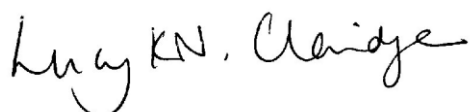
4. CONCLUSIONS & RECOMMENDATIONS

135. The evidence presented in this complaint clearly shows that Roma in Italy continue to be victims of widespread and systematic violations of their right to housing particularly with respect to forced evictions; segregated and sub-standard housing and lack of access to social housing.

136. For these reasons, Amnesty International respectfully requests that the Committee find Italy in violation of Article 31(1), (2) and (3), read alone or in conjunction with Article E, of the Revised European Social Charter, and recommend that Italian authorities urgently undertake the following steps:

- i. Amend legislation and policy to prohibit forced eviction in law and practice and provide relevant authorities and officials with clear guidelines and training on the guarantees to be upheld in order to ensure that an eviction conforms to international standards;
- ii. Establish a complaint mechanism tasked with investigating reports of forced evictions to bring them to the attention of relevant, including judicial, authorities;
- iii. Without delay, end all forms of racial segregation in the field of housing both in legislation and policy, in line with international standards;
- iv. Elaborate national and local plans for the de-segregation of people of Romani ethnicity living in authorised camps, through the offer of a range of adequate alternatives identified in genuine consultation with them through processes that are in line with international human rights law and standards and Italy's National Strategy for Roma Inclusion;
- v. Ensure effective access to social housing and other housing benefits to everyone, including Roma, without discrimination;
- vi. Review the social housing system and assignment procedures in all regions and municipalities, as well as of housing benefits, and take the steps needed to swiftly remove any provisions that directly or indirectly discriminate against Roma and other individuals and groups;
- vii. Establish a system for the effective monitoring of access to social housing and ensure collection of disaggregated relevant data, to help combat discrimination in this area;
- viii. Increase the offer of social housing available for the general population, in line with current needs.

Respectfully submitted,



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18 March 2019

5. ANNEX 1: DOCUMENTED EVIDENCE OF FORCED EVICTIONS

5.1 ROME

137. In Rome, forced evictions have continued under successive municipal administrations affecting thousands of people.¹³² In 2017, according to Associazione 21 luglio, there were 33 forced evictions from informal settlements, including one involving approximately 80 people on 18 December 2017. In 2016, there were 28 affecting about 1,000 people.¹³³ In Rome, forced evictions frequently occur and peak ahead of important public events. For example, according to Associazione 21 luglio, the number of forced evictions increased significantly after the Holy See announced, in March 2015, the celebration of a religious Jubilee to last from December 2015 to November 2016. Between March and September 2015, Associazione 21 luglio documented a three-fold increase in the number of forced evictions of Roma in Rome compared to the previous year (64 operations in 2015, 34 operations in 2014).¹³⁴

138. The following are some of the specific cases of forced evictions documented by Amnesty International in Rome since 2012.

5.1.1 TOR DE' CENCI, 2012¹³⁵

139. The case of the authorized camp of Tor de' Cenci exemplifies how vulnerable Romani families in authorized camps have been evicted from their homes without procedural safeguards, including lack of meaningful and genuine consultation and no offer of adequate alternatives.

140. On 31 July 2012, the then mayor of Rome signed an ordinance for the closure of Tor de' Cenci camp because of the lack of hygiene and related risks to the health of the inhabitants. Shortly afterwards, a notice was fixed to the gate of the camp informing residents that the camp was going to be closed by 28 August 2012. The only alternative housing offered to the residents was in the authorized camps of Nuova Barbuta and Castel Romano. The administration had been seeking to close Tor de' Cenci camp since 2009, without ever providing a compelling justification for doing so until the mayor's ordinance of 31 July 2012 raising lack of hygiene and related risks to health. Until then, no written information about the legal basis for closing the camp had been provided to the residents. In fact, in June 2012, a few weeks before the mayor's ordinance, municipal representatives had stated that there was no plan to issue any official communication on the closure of the camp, unless residents refused to leave, which they continued to do.

141. The Tor de' Cenci camp was opened by the Municipality of Rome in 1995 in an area where residents had access to essential services. The camp was equipped with container housing units and basic infrastructure, to house 350 Roma from Bosnia and Macedonia, who had been previously evicted from an informal settlement. In 2009, however, a new administration started referring to Tor de' Cenci as a "tolerated" camp,

¹³² The tenure of Mayor Gianni Alemanno, who conceived and implemented the "Nomad Plan" ended in 2013, when Mayor Ignazio Marino was elected into office. However, the latter resigned in November 2015. An ad-hoc Commissioner, Paolo Tronca, was then appointed by the Italian government to manage the administration of the city until new elections, to be held in the second quarter 2016. In June 2016 Virginia Raggi was elected Mayor of Rome

¹³³ *Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan*, Amnesty International Index: EUR 30/022/2011

¹³⁴ http://www.21luglio.org/wp-content/uploads/2015/10/rapporto_peccato_12pag_inglese_webweb_2_ottb.pdf

¹³⁵ *Italy: On The Edge: Roma, forced evictions and segregation in Italy*, 12 September 2012, Amnesty International Index: EUR 30/010/2012 <https://www.amnesty.org/en/documents/EUR30/010/2012/en/>

and to discuss its closure as part of their desire to implement Rome's "Nomad Plan". At the time of the forced eviction of Tor de' Cenci, some residents had been living there for over 15 years. Breaching its obligation to ensure adequacy of housing, the municipality started neglecting the camp in view of its planned closure. Amnesty International witnessed the progressive deterioration of living conditions in the camp, including common areas and paths between housing units not being maintained, leading to muddy areas and potholes the families had to negotiate every day. The authorities failed to engage with residents in a process of genuine consultation on the reasons for closing the camp or on possible housing alternatives.

142. Discussions with the community were carried out under the continuous threat of an imminent eviction, presented as inevitable and in the absence of adequate information about the alternatives on offer. In June 2012, when the building of the new camp of Nuova Barbuta was finalized near Ciampino airport, this was offered to Tor de' Cenci residents. The residents refused it, out of concern that they would be far from the city centre and isolated from services. Some families had applied for social housing and did not want to move to yet another camp. About 200 people were transferred to Nuova Barbuta in the last week of July 2012 (see Annex 2). By mid-August, some 180 people were left in Tor de' Cenci.
143. Following a request by some of the remaining families, on 27 August 2012, the Lazio administrative tribunal issued precautionary measures ordering that the eviction be temporarily suspended and that health and safety conditions in the camp be improved until a final decision was taken by the court. On 26 September 2012, the same court ruled that the mayor of Rome's order of 31 July 2012 that the Tor de' Cenci camp be closed for health and safety reasons could be implemented. The only alternative housing solution offered was – again – the transfer to one of two authorized camps, both isolated and segregated facilities outside Rome, where many of the Tor de' Cenci residents still lived as of May 2018. Although the residents would have been entitled to appeal against the decision of the first instance court, the implementation of the eviction, which the authorities started immediately after the court decision, resulted in the residents being denied the possibility to challenge it further.
144. Amnesty International considers that this treatment is discriminatory and contrary to Article E compared with the procedures which would apply in case of eviction from private accommodation or other public housing. The manner in which the final eviction of Tor de' Cenci was implemented raised concern and was noted by local organizations as especially and unjustifiably harsh. On 28 September 2012, at about 8:00 am, without a warning, national and municipal police arrived with bulldozers and hurried families to take their things and leave their homes. The demolition of homes started without waiting for the families to have left. One organization stated: "Bulldozers destroyed everything before the eyes of the children who had been sleeping in those homes an hour earlier, shocked, angry, frightened, in tears. ... We have a bitter certainty: if there had been other children in that camp, instead of Romani children, the method, attention and language would have been different".¹³⁶

5.1.2 SOMAINI PARK, 2014

145. On 29 January 2014, a group of about 60 Romanian Roma, including children, were forcibly evicted from Somaini park, in the eastern outskirts of Rome, where they had been living for several months in shacks built both inside and outside the abandoned ruins of a private property. The state police, which carried out the forced eviction, told Amnesty International that the eviction was necessary due to the unsafe condition of the structures. However, prior to the eviction the authorities did not consult the affected individuals, nor provide written notice. Instead, the police issued each of them with written notices indicating the initiation of criminal investigations against all those occupying the area for criminal invasion of property. The municipality officials offered alternative shelter only to women with small children, who reportedly turned down the offer, because they did not want to be separated from the rest of their families. According to local NGOs, the children living in Somaini park had been regularly attending local schools or awaiting admission to those schools at the time of the eviction, rendering the eviction disruptive for their education.¹³⁷

5.1.3 VIA CASTELGUIDONE, 2014

146. On 27 January 2014, the Polizia Ferroviaria, a branch of the state police responsible for law and order on the railway network, forcibly evicted about 50 Romani people, including children, who had been occupying for a few months private land in via Castelguidone, Rome. No prior written notice of the eviction was provided to those affected. Only some women with small children were offered temporary shelter, which they refused. A

¹³⁶ See *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013; and the press release of Caritas and Comunità di Sant'Egidio at <http://archive.santegidio.org/pagelD/3/langlD/it/itemlD/5675/Tor-de-Cenci-lepilogo-peggiore.html>

¹³⁷ Amnesty International's statement "Rome authorities should stop forced evictions targeting Roma", 30 January 2014, Amnesty International Index: EUR 30/004/2014) at <https://www.amnesty.org/en/documents/eur30/004/2014/en/>

representative of the Rome municipality told Amnesty International that the municipality had been warned of the upcoming eviction only at the last moment, which was why they were not prepared to offer shelter to all those affected. However, a police official, also interviewed by Amnesty International, said that the municipality had been informed of the eviction several days in advance. After the affected Roma spent several hours demonstrating in front of the office of the Municipal Councillor for Social Affairs, they were offered some form of alternative accommodation which they accepted.¹³⁸

5.1.4 VAL D'ALA SETTLEMENT, 2014-2015

147. On 9 July 2014, 39 people – 11 of them young children, including several babies – were forcibly evicted by local authorities from a Romani settlement in one of Rome's north-eastern suburbs, leaving numerous families homeless. At around 7:30am, local police and municipal authorities entered the makeshift camp of shacks and tents in the park of Val D'Ala. They quickly destroyed the settlement with bulldozers, leaving the Romanian Roma community living there with no place to go. There was no formal advance notice of eviction or consultation with the community, and no suitable alternative housing was offered. The only mention of alternative housing was an offer from the municipal authorities to house just the women and children in a local shelter that was already full to capacity.

148. When pressed by Amnesty International's researcher present at the forced eviction, local authorities were unable to produce a formal justification for the eviction, although they attempted to explain it based on environmental grounds and concern for the local community.¹³⁹

149. After being rendered homeless by the forced eviction, some 20 members of the community reoccupied the same area a few months later, only to be forcibly evicted again on 14 July 2015. Again, dwellings were destroyed, with no formal notice or consultation. After refusing the only offer made by the municipality – placement in a shelter for women and children only – some of the families kept protesting against the eviction until they accepted a transfer to the segregated reception centre of via Salaria, the "Cartiera" (see below) in Rome, from which they would be evicted again in 2016.¹⁴⁰

5.1.5 LA CARTIERA SEGREGATED RECEPTION CENTRE, 2016

150. In March 2016, Rome municipal authorities issued the residents living in 35 rooms in the Via Salaria reception centre known as "La Cartiera" with letters requesting them to leave the centre. The former factory had been turned in a reception centre for Roma in 2009. According to Amnesty International's information, 325 people including 139 children lived in the centre at the time. The families had lived in this segregated set-up, in some cases for several years, in inadequate living conditions, as documented by Associazione 21 luglio and witnessed by some members of parliament in two visits in 2013 and 2015.¹⁴¹

151. The reasons provided in the official documentation for the removal of the residents from the centre referred to a) the temporary nature of the housing offered in the reception centre, b) the alleged repeated violation of the reception centre regulations by residents, c) the prolonged absence of children from the centre [reason not given]. However, during a demonstration organized by the residents before the Department for Social Policies of the Municipality of Rome on 14 March, they were verbally informed by officials that the actual reason for the request to vacate the centre was the plan to close it down permanently by June 2016.¹⁴²

152. During the following days, additional notifications were provided to the residents informing them that they would need to vacate the centre by 28 March 2016.

153. Prior to the eviction no adequate consultation had been conducted with the residents of the reception centre to explore all feasible alternatives to eviction following the closure of the centre. No assessment of the situation of the families had been carried out in order to examine their ability or lack thereof, to provide adequate alternative housing for themselves, potential implications for the education and school attendance of the children residing in the centre, or presence of people with disabilities whom, if left homeless, would be left in an especially vulnerable situation and at risk of further human rights violations.

¹³⁸ Amnesty International's statement "Rome authorities should stop forced evictions targeting Roma", 30 January 2014, Amnesty International Index: EUR 30/004/2014 at <https://www.amnesty.org/en/documents/eur30/004/2014/en/>

¹³⁹ <https://www.amnesty.org/en/latest/news/2014/07/italy-many-children-among-dozens-left-homeless-forced-eviction-rome/>

¹⁴⁰ http://www.21luglio.org/wp-content/uploads/2015/10/rapporto_peccato_12pag_italiano_webweb_2_ottb.pdf

¹⁴¹ See reports by Associazione 21 luglio: La Casa di Carta at: http://www.21luglio.org/wp-content/uploads/2011/11/la_casa_di_carta_il_17_05_2011.pdf; Nel centro di raccolta rom di via Salaria, ai margini della società at <http://www.21luglio.org/nel-centro-di-raccolta-rom-di-via-salaria-ai-margini-della-societa>

¹⁴² Amnesty International and Associazione 21 luglio wrote a joint letter to the municipality's deputy commissioner for housing policies on 24 March, on file at Amnesty International

154. In light of the imminent risk of irreparable damage, two residents – a disabled woman and a female relative - with the support of a number of NGOs¹⁴³ requested interim measures from the European Court of Human Rights (ECtHR) in order to halt the potential forced eviction until the necessary safeguards had been put in place and avoid people being rendered homeless. The women argued that the Italian courts did not provide any effective means for them to challenge the eviction. Consequently, interim measures were granted by the ECtHR, which called on the Italian authorities not to evict the family.¹⁴⁴ Following the decision of the ECtHR, the Italian authorities engaged in a dialogue with the residents of the Cartiera. In particular, the two women were offered to be rehoused in the segregated Camping River camp (which was eventually forcibly evicted by the authorities in July 2018, see below section 6.1.3), which they refused. It later emerged that other residents threatened with eviction from the Cartiera had obtained a suspension of the measure from the Lazio administrative tribunal. Consequently, the ECtHR declared the application from the two women inadmissible because national remedies had not been exhausted.¹⁴⁵ The authorities eventually offered rehousing for the two women and their family in a segregated reception centre in via Toraldo, a form of housing they accepted in the absence of any other choice. The other residents of the Cartiera were also gradually rehoused in other segregated camps in Rome, which they too accepted in the absence of any adequate alternative offer. However, on 1 August 2016, the date set by the authorities to close the centre, 38 people, including 10 children had not been offered an alternative they regarded as acceptable, given it involved transfer to a public dormitory at a homeless shelter. These families were therefore rendered homeless by the closure of the centre.¹⁴⁶

5.2 MILAN

155. Official data provided by the Municipality of Milan to Amnesty International indicates that between 2013 and September 2015 the municipality carried out 1,284 evictions – an average of 0,4 per day in 2013, 1,8 in 2014, and 1,7 in 2015 – affecting over 18,000 Romani people. A marked increase in evictions took place in the period leading up to the EXPO Universal Exposition, between May and October 2015.¹⁴⁷ As in the case of Rome, these evictions were not accompanied by appropriate safeguards.

156. Under a left-wing administration between 2011 and 2016, Milan municipal authorities continued to carry out forced evictions of Romani settlements, without providing written notice and without adequate consultation with individuals affected, although these were not accompanied by the publicity and discriminatory remarks that had characterized forced evictions in the city under the previous centre-right administration and during the “Nomad emergency”.

5.2.1 VIA IDRO, MILAN, 2016

157. In August 2015, the Municipality of Milan ordered the closure of the authorized camp of via Idro, built in 1989, due to hydrogeological risks and to hygiene, health and urban security circumstances.¹⁴⁸ Dozens of Italian Roma families had resided in via Idro for decades, with a measure of security of tenure based on agreements with the municipality. Amnesty International visited the camp on multiple occasions and found that the homes were of an adequate standard in that they offered sufficient protection from the elements and sufficient living space for the size of the families living in them. The homes had running water and sanitation. While some problems existed, these appeared to be mostly linked to the lack of maintenance of common areas and of the infrastructure of the camp, such as the sewage system and the paths connecting different areas of the camp. While the camp was segregated, the residents benefitted from interactions with the broader community.

158. Having attempted to persuade the residents to move out of the camp for a few years, on 20 November 2015, the municipality ordered their eviction, offering them alternative housing in the reception centres “for autonomous living” (Centri per l’Autonomia Abitativa, CAA, see Annex 2, section 6.4).¹⁴⁹

¹⁴³ European Roma Rights Centre, Associazione 21 Luglio, OsservAzione, and lawyers Salvatore Fachile and Loredana Leo from Associazione per gli Studi Giuridici sull’Immigrazione – ASGI

¹⁴⁴ <http://www.errc.org/article/european-court-issues-emergency-measure-to-stop-italy-from-evicting-roma-family/4468>

¹⁴⁵ [https://hudoc.echr.coe.int/eng#{"languageisocode":\["ITA"\],"appno":\["15920/16"\],"documentcollectionid2":\["ADMISSIBILITYCOM"\],"itemid":\["001-169277"\]}](https://hudoc.echr.coe.int/eng#{)

¹⁴⁶ See <http://www.21luglio.org/chiude-lex-cartiera-di-roma-il-centro-di-accoglienza-per-soli-rom-dal-2009>

¹⁴⁷ Rom, sinti e caminanti, Strategia, azioni e numeri dell’intervento del Comune di Milano

2013 – 2014 – 2015, Aggiornamento dati al 30 settembre 2015, PP presentation, <http://www.marcogranelli.it/wp-content/uploads/2016/01/slides-rom-sinti-caminanti-bz-9-nov-2015.pdf>

¹⁴⁸ Comune di Milano, Deliberazione della Giunta comunale n. 1444, 17 August 2015

¹⁴⁹ Comune di Milano, Direzione Centrale Politiche Sociali e Cultura della Salute, Ordinanza contingibile ed urgente. Chiusura del campo di via Idro, 62 e trasferimento di tutti i nuclei familiari presenti nel campo in strutture di accoglienza individuate dal Comune di Milano. Comunicazione di chiusura del procedimento, 20 novembre 2015

159. Amnesty International considers that all the alternatives on offer were inadequate. The housing that local authorities offered was made available only for a limited period – up to one year with the option to renew for one additional year. Moreover, the housing units offered did not meet habitability standards. One of the options involved different families sharing toilets and kitchens located in communal containers, and these were in extremely poor condition. A second option consisted of a building measuring about 100m², in which four or five families would be housed in areas separated by plywood panels. A few families were due to be placed in the “Martirano Village” – a newly built segregated camp hosting only Roma. The solutions that the municipality of Milan offered to the residents of the via Idro camp were retrogressive and likely to result in worse and more precarious living conditions for the families, in particular in terms of significantly reduced security of tenure.
160. Following the Lombardy regional tribunal's rejection of the application submitted by some of the families to obtain a suspension of the eviction in December 2015¹⁵⁰, on 15 March 2016, around 100 Roma were evicted from the camp of via Idro. Most agreed to be rehoused in the municipality's reception centres “for autonomous living” and to start and participate in a social inclusion programme, a condition for accessing the rehousing offer.¹⁵¹
161. Based on its visits and interactions with the residents of the via Idro camp, Amnesty International considers that these families have suffered a deterioration of their housing conditions because the places they were offered were smaller and less independent. After living for many years in independent homes where living spaces were much more adequate, some families were moved to share space in a container. In their original homes in Via Idro, they could go about their lives independently, with each family cooking and consuming their own meals by themselves. In the structures where they were transferred, they had to share cooking facilities, bathrooms and other living spaces with the other families. Their security of tenure also decreased. Residents of the camp of via Idro had been given the opportunity to settle there permanently by the authorities. In the new structures, however, residence is for limited periods only and conditional on participation in inclusion programmes. In addition, they have been placed at risk of losing the assistance they are currently being offered for a limited time due to the latter being conditional on the successful completion of the social inclusion programme. However, even the successful completion of the inclusion programme does not lead to a permanent right to be housed in the centres. Furthermore, they have been rehoused in centres which host almost exclusively Romani families, thus defeating the purpose to promote their social inclusion. It is also difficult to see how a programme of social inclusion and autonomy should be pursued by Romani families in reception centres rather than in a house of adequate standard.
162. In July 2017, the Lombardy Regional Tribunal ruled against a former resident of the Via Idro camp who had submitted that the eviction from the authorized camp where she had regularly resided for many years be regarded as an eviction from private accommodation for the purposes of being assigned a higher score to access social housing.¹⁵² Amnesty International had in the past repeatedly documented how the Roma were discriminated against in accessing social housing because evictions from authorized camps are not regarded as evictions from private accommodation.¹⁵³

5.3 NAPLES

163. On 7 April 2017, hundreds of Roma living in the informal settlement of Gianturco, in Naples, were forcibly evicted by local authorities. The forced eviction was witnessed by Amnesty International, which had also visited the settlement, interviewed dozens of residents and met with the municipal councillor for social affairs in the weeks before it took place.
164. According to the residents, the long-standing informal settlement of Gianturco hosted approximately 1,300 Roma adults and children, although the municipality put the figure at 850. Dozens of families had moved there after the camp in which they lived previously was set on fire by unknown assailants (significantly, the destroyed settlement was located in Via del Riposo, the area chosen by the municipality to build a new segregated camp to host some of the families from Gianturco – see Annex 2, section 6.3). In the months before the forced eviction took place, the community's livelihoods had also been significantly affected by the authorities' prohibition of an informal market of second-hand goods in the square of the settlement. Consequently, the residents were subjected to frequent checks and searches by law enforcement authorities, resulting in seizure of food stocks and cars, scooters, carts and trolleys the families used to transport

¹⁵⁰ http://milano.repubblica.it/cronaca/2015/12/18/news/rom_milano-129755377/

¹⁵¹ http://milano.repubblica.it/cronaca/2016/03/15/news/milano_sgombero_idro-135561909/

¹⁵² Legal documents on file at Amnesty International. See also a press report about the case at: <http://www.vita.it/it/article/2017/07/04/milano-caro-tar-cosi-i-rom-non-si-integreranno-mai/143901/>

¹⁵³ *Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan*, Amnesty International Index: EUR 30/022/2011; *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

recyclable materials collected from across town as a way of earning some income. The residents interviewed by Amnesty International spoke of fear of their children ending up homeless and being forced to sleep on the streets. Others were worried about their belongings and the resources they had invested over time to improve their homes in Gianturco.

165. A court order to evict the Roma from the privately-owned land where the Gianturco settlement was built was issued in January 2016, calling for the eviction to take place within 30 days. Only some of the families were notified of the eviction order, a circumstance, which the municipality confirmed to Amnesty International. While the municipality managed to negotiate extensions of the eviction deadline with the judicial authorities, the municipality told Amnesty International, on 27 February 2017, that no further extensions were possible and the eviction would take place shortly.
166. Despite having over a year to do so, no genuine consultation had been carried out by the municipality to explore all feasible alternatives to the eviction and alternative housing options for all the affected families. The main alternative housing the municipality planned to offer was to transfer approximately 130 people to a new segregated camp in Via del Riposo, built with funds provided by the municipality and the Ministry of Interior. In addition, a few small flats confiscated from organised crime networks would also be used and financial support for a total of 75,000 euro would also be made available to temporarily assist 25 families to rent accommodation privately, subject to them meeting certain criteria such as having children up to five years of age; members of the family suffering from serious diseases or being over 65; being able to prove that children regularly attend school; and having a work contract.¹⁵⁴ However, the municipality acknowledged that hundreds of people, including children, would not be provided with any alternative housing and would effectively be rendered homeless.
167. According to the information gathered by Amnesty International, two weeks before the eviction the authorities had told the families that the eviction was scheduled for 11 April 2017, but on 6 April 2017, they were informed that it would be happening the next day. Amnesty International was allowed in the cordoned off area to monitor the operation. Journalists were prevented from entering. Of the estimated 1,300 Romanian Roma who lived in Gianturco, only 200 people, including children, elderly and sick people, were present when the forced eviction was carried out. Dozens of families had left the settlement in the weeks before in fear of being rendered homeless, as the authorities had repeatedly told them there would not be an alternative for all. All homes in the settlement were demolished in a few hours and the area was sealed off by midday on 6 April 2017.
168. The authorities transferred around 130 people to a new segregated camp, in Via del Riposo (see Annex 2, section 6.3). Anti-Roma slogans had already been sprayed on walls near the new camp and Amnesty International witnessed people shouting slurs against Roma as they were passing by in a car. A few families were offered to move to the reception centre “Grazia Deledda”, where conditions were reported by many Roma to be inadequate, with no privacy and only communal showers and kitchen. To Amnesty International’s knowledge, two families accepted this offer. Many families were not offered alternative housing and were rendered homeless as a result of the forced eviction. On 11 April 2017, at a meeting sought by Romani families and local activists and attended by Amnesty International, municipal authorities reiterated they had no alternatives for the families left homeless.
169. In the aftermath of the forced eviction, after several weeks of sleeping rough, in parks and cars, or seeking temporary accommodation with friends and relatives, in mid-June 2017, some families - about 160 people including women and children - entered the premises of a former tobacco factory in Via Ferraris, not far from where once the informal settlement of Gianturco was. The factory had been in disuse for a few years and it provided only basic shelter to the families. No water, sanitation, or electricity was available. Following inspections to check the safety of the site, the authorities pressurized this group into moving away again, but without offering any alternatives.¹⁵⁵ These families and others who had been living in Gianturco, a total of about 250 people, tried then to settle in the privately owned former fruit and vegetable market area - again, not far from Gianturco. At the beginning of August 2017, judicial authorities seized the area because it had been unlawfully occupied, and on health and safety grounds and notified some of the families that they needed to vacate it by 8 September 2017. The deadline was then postponed several times until 9 November 2017. On 6 November 2017, the community, under pressure from the authorities to leave the site, moved again, finding shelter in abandoned factory buildings in the area called “ex Frigoriferie”.¹⁵⁶ As of May 2018, they continue to live in these buildings in wholly unacceptable and inadequate conditions, contrary to Italy’s obligations under Article 31 of the Revised Charter.

¹⁵⁴ Document on file at Amnesty International

¹⁵⁵ Amnesty International and European Roma Rights Centre joint public statement, 14 July 2017, *Italy: Around 150 Roma in Naples again at risk of forced eviction and homelessness*, Amnesty International Index: EUR 30/6715/2017), at <https://www.amnesty.org/download/Documents/EUR3067152017ENGLISH.pdf>

¹⁵⁶ http://www.21luglio.org/21luglio/wp-content/uploads/2018/04/Rapporto_Annuale-2017_web.pdf

5.4 GIUGLIANO

170. On 21 June 2016, 300 Roma, including dozens of small children were forcibly evicted from the Masseria del Pozzo authorized camp in Giugliano, Naples in the Campania region. Health and safety concerns were such – as will be detailed below under Segregation - that the families clearly needed to be urgently relocated elsewhere. Indeed, the segregated camp of Masseria del Pozzo should never have been built in the first place. Nevertheless, the need to urgently address the situation, itself created by the local authorities who had set up the camp in an area unsuitable for human habitation, cannot justify the unlawful manner in which the authorities then proceeded to implement the forced eviction and relocation to an equally unsafe location in breach of international human rights standards.

171. Prior to the eviction, the authorities failed to hand in written notice to the residents, and instead provided the families with limited and disparate information verbally. Since 14 June 2016, the families had been told by representatives of the local authorities and police that the eviction would take place on either 16 or 23 June 2016, whereas the authorities carried it out on 21 June 2016. Following the forced eviction, the families of Masseria del Pozzo were transferred to the site of a former fireworks factory, also near Giugliano. Very little information on the new location had been provided to them. Amnesty International delegates visited the new site on 22 June 2016, immediately after the arrival of the families there. None of the dozens of Roma interviewed by the organization's delegates had been made aware of the new location and had been given a chance to see it before the move. Authorities presented the new site to the community as the only possibility, effectively asking them to agree to be moved to an unknown location or be rendered homeless. The new site provided by the municipality, and where the community still lives as of May 2018, is gravely inadequate. The approximately 1000m² plot of land is on the outskirts of Giugliano's industrial area, in an enclosed site surrounded on three sides by wild vegetation and on one side by a wall with a gate. Upon arrival, the Romani families found rubble, rusty nails and other debris from the former fireworks factory, which had been destroyed by an explosion in 2015. At the time of the relocation, only two toilets were in place, one of them broken and the other in a degraded state, forcing the inhabitants to use the bushes instead, with adverse impact on both their health and the environment. Furthermore, they had no access to electricity and were having to use open fires, batteries and car lights to illuminate the place after dark. Access to water was provided through four taps that were again wholly insufficient for the approximately 300 residents of the camp. Local authorities had not provided any structures or facilities to shelter the families. The families who owned caravans were allowed to bring them to the new location. At least three families who did not own a caravan and lived in shacks in the old camp were left homeless and were forced to sleep in their cars or outdoors. The families continue to live there as of May 2018 (see Annex 2, section 6.2).

5.5 TURIN

LUNGO STURA LAZIO AND GERMAGNANO, FEBRUARY 2015 – JUNE 2017

172. Starting on 26 February 2015, and continuing for the following month, Turin municipal authorities proceeded to close the informal settlement of Lungo Stura Lazio. About a thousand Romani people, mostly Romanian citizens, were living in the settlement along the banks of the river Stura at the time.

173. The municipality set up a programme to facilitate the transfer of residents to alternative accommodation using undisclosed criteria. As a result, about 400 people were not offered any alternative housing. These included vulnerable individuals, such as minors, pregnant women, and elderly and people with disabilities. Many of these families found shelter in the Germagnano informal settlement, also near Turin, where the authorities demolished several of their homes in June 2017.

174. According to local authorities, around 600 Roma, many from Romania and others, including refugees from the former Yugoslavia, live in the long-standing informal settlement of Germagnano. In September 2016, a judicial decree ordered the seizure of the land where the settlement is based, on grounds of illegal occupation and environmental hazard. Although the decree did not order the eviction of the families, in June 2017, Amnesty International documented the demolition of seven homes, rendering families homeless. Municipal authorities claimed to have demolished only homes that had been abandoned for at least seven days, but according to the information collected by Amnesty International, in at least seven cases, the homes that were demolished were still inhabited by their residents, including pregnant women, new-born babies and elderly people. These families were left homeless and had their belongings destroyed, including personal documents, baby clothes, medicines and other possessions. The families who were rendered homeless were either being hosted by friends and relatives, moved to other locations in improvised shelters, or returned to Romania. Many of the residents told Amnesty International that they did not want to leave their homes even to go to the doctor, to buy food, or take their children to school, for fear of returning and finding their homes demolished. The authorities did not provide adequate notice to any of the families, nor did they carry out a genuine consultation to explore and identify adequate alternatives for the families, including appropriate and adequate housing. In a meeting with Amnesty International,

the municipal authorities stated that the only alternative possible would be dormitories, but those would be available only for a limited number of women and children.¹⁵⁷

¹⁵⁷ See Amnesty International's Urgent Action at <https://www.amnesty.org/en/documents/eur30/6523/2017/en/>
See also a press release at <https://www.amnesty.org/en/latest/news/2017/06/eu-executive-fails-to-act-as-pregnant-romani-women-and-infants-are-rendered-homeless-in-italy/>

6. ANNEX 2: DOCUMENTED EVIDENCE OF SEGREGATED AND SUBSTANDARD HOUSING

6.1 ROME

175. For the past 10 years the Municipality of Rome has implemented policies that have promoted the segregation of Roma in mono-ethnic camps as the standard housing solution for this community. While these policies were mainly devised under the Nomad Plan (official name) of Mayor Gianni Alemanno's administration, within the context of the "Nomad Emergency", between 2008 and 2011, for years after that, successive administrations have in practice continued their implementation notwithstanding official statements that the Nomad Plan was no longer valid, and have done little to reverse them. Their effects persist to date with an estimated 4.400 Romani families currently still living in large mono-ethnic camps.¹⁵⁸

6.1.1 MAYOR GIANNI ALEMANNI'S ADMINISTRATION, 2008 - 2013

176. The Nomad Plan of Mayor Gianni Alemanno's administration involved housing Roma in "equipped villages", effectively vast mono-ethnic camps, and in segregated reception centres.¹⁵⁹ The most recent authorized camp opened in Rome as part of the Nomad Plan was La Barbuta. Constructed with the specific intention to use it only to house people of Romani ethnicity, it was opened on 18 June 2012, four months after the adoption of the NSRI by the Italian government, seven months after the Council of State had declared the "Nomad Emergency" unlawful and two years after the Committee had ruled against Italy in *Cohre v. Italy*.

177. La Barbuta was built to host up to 880 people in some 160 units – the biggest measuring 40m² and has all the features of a typically segregated large camp. Sandwiched between railway tracks, Rome's orbital road and the runway of Ciampino airport, it is located away from other neighbourhoods and in an area where residential buildings could not be erected. The closest shops, schools, health care services are in the town of Ciampino, about 2.5km away. To go anywhere from the camp, residents need to walk along a main road with no pavement. Local NGOs expressed concern that air and noise pollution due to the proximity of the airport could put the health and safety of the inhabitants at risk. Heightening the sense of separation, fences run all around the camp.¹⁶⁰

¹⁵⁸ Associazione 21 luglio, Rapporto annuale 2017, <http://www.21luglio.org/21luglio/rapporto-annuale-2017-26-mila-rom-emergenza-abitativa-2/>

¹⁵⁹ See Amnesty International's reports: *The wrong answer* at <https://www.amnesty.org/en/documents/EUR30/001/2010/en/>; and *Double standards* at <https://www.amnesty.org/en/documents/EUR30/008/2013/en/>. On the segregated reception centres, see <http://www.21luglio.org/wp-content/uploads/2015/05/centridiraccoltaspa.pdf>

¹⁶⁰ These were initially equipped with video-surveillance cameras, as in all other large authorized camps of the capital, but the systems are currently not functioning anymore

178. As the Nomad Plan was being implemented, in Rome, Romani families wishing to apply for social housing were discriminated against by the municipality which prioritized criteria for allocation which Roma living in camps could never meet – namely, having been lawfully evicted from a flat through a legal process and being unable to afford rent on the private market - thus preventing them from ever reaching the top of social housing lists (see Annex 3), regardless of the extent of the disadvantaged housing conditions they were finding themselves in and of having been, in many cases, forcibly evicted from informal settlements. Even after new eligibility criteria were issued on 31 December 2012, prioritizing those in the most inadequate housing conditions, over those lawfully evicted from private accommodation, the municipality issued guidance for interpretation of the criteria ensuring that Roma living in camps could not be regarded as meeting the main criterion of living in extremely disadvantaged conditions. It was only after the European Commission requested clarification on the matter in June 2013 that the municipality took steps to withdraw the guidelines and ensure that Roma had equal access to the capital's social housing stock. Since then, some residents of camps told Amnesty International that they are aware of some Romani families having been allocated social housing. Amnesty International is aware that one family interviewed by the organization while living in the authorized camp of via di Salone was assigned a social housing flat.¹⁶¹ However, due to the lack of data being gathered by the relevant authorities, a precise figure is not available.

179. The effects of the combination of these discriminatory housing policies in place for many years – segregation in camps and exclusion from social housing - persist and the two-tier housing system, one for Roma and one for everybody else, remains in place notwithstanding the stated intention of successive administrations to change course.

6.1.2 MAYOR IGNAZIO MARINO'S ADMINISTRATION, 2013 - 2015

180. Indeed, despite statements, including in a meeting with Amnesty International in October 2013¹⁶², that it had abandoned the Nomad Plan, and that Roma housing policies would be guided by the principles of the NSRI, the centre-left municipal cabinet appointed after local elections in June 2013, headed by Mayor Ignazio Marino, did little to address segregation and the bleak reality of life in the camps inherited after years of implementation of the Nomad Plan, leaving the situation unchanged for many Romani families wanting to leave camps but without the means to access other housing solutions.

181. While taking measures to address the general and significant housing emergency in the capital, affecting thousands of non-Romani families, the municipality under Mayor Marino did not extend these new measures and housing benefits to the Roma and failed to provide a range of options able to facilitate the exit of residents from camps and their transfer to adequate housing.

182. In fact, when faced with the prospect of moving the Romani families who had been living in the dilapidated camp of Via della Cesarina, due to appalling living conditions, the municipality only offered the prospect of returning the families to a refurbished segregated camp. Amnesty International visited the camp of Via della Cesarina in 2012. Conditions were appalling with the health and safety of the inhabitants at severe risk due to the poor state of the infrastructure and housing units.¹⁶³ In November 2013, members of the Senate Commission on Human Rights¹⁶⁴ visited the camp with the result that one month later, in December 2013, it was eventually closed for refurbishment.

183. Pending the renovation works, the community of 137 people was transferred to a segregated reception centre in Via Visso, significantly named "Best house Rom". The centre opened in 2012 and was used until November 2015 to temporarily house Roma evicted from camps, in particular those evicted from the camp of via del Baiardo, and the families of the Via della Cesarina camp.¹⁶⁵ The NGO, Associazione 21 luglio exposed the unacceptable conditions of the Via Visso centre in March 2014, highlighting how the centre was consistently overcrowded, with fewer than three square metres available per person, and lacking windows and openings to allow sufficient light and air for the residents.¹⁶⁶ In January 2015, members of the Senate Commission on Human Rights (Commissione per la tutela dei diritti umani del Senato) visited the Via Visso centre together with the Rome Municipality's councillor for social affairs. They concluded that the Via Visso centre needed to be closed for health and safety reasons and that the approximately 300 Romani people living there needed to be re-housed in dignified conditions.¹⁶⁷

¹⁶¹ See the case of Miriana in *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹⁶² Notes on file at Amnesty International

¹⁶³ See *On the Edge: Roma, Forced Evictions and Segregation in Italy*, Amnesty International Index: EUR 30/010/2012

¹⁶⁴ See at p 50

¹⁶⁵ https://www.senato.it/application/xmanager/projects/leg18/file/repository/notizie/2018/RELAZIONE_FINALE.pdf

¹⁶⁶ <http://www.21luglio.org/cera-una-volta-il-best-house-rom>

¹⁶⁷ Senza luce. Rapporto sulle politiche della Giunta Marino, le comunità rom e sinte nella città di Roma e il "Best House Rom" (marzo 2014)

<http://www.21luglio.org/senza-luce-rapporto-sulle-politiche-della-giunta-marino-le-comunita-rom-sinte-nella-citta-roma-il-best-house-rom-marzo-2014/>

¹⁶⁷ See at p 52

184. In November 2015, the centre was closed, due to an order by anticorruption authorities investigating alleged criminal activities by the cooperative running it, forcing the Municipality of Rome to cease contracting it for its services. The residents were transferred to yet another mono-ethnic centre, the so-called “Cartiera” of Via Salaria, from which the municipal authorities tried to forcibly evict many families in 2016 when the centre was closed down (see Annex 1, section 5.1.5). Eventually, after the European Court of Human Rights provisionally stopped the eviction by granting interim measures, the municipal authorities re-housed most families. However, 38 people, including 10 children, were forcibly evicted and rendered homeless in August 2016 when the centre was finally closed (see section 5.1.5).
185. In light of the failure of the Marino administration to address the segregation of Roma inherited from the previous administration, the NGOs Associazione per gli Studi Giuridici sull’Immigrazione (ASGI) and Associazione 21 luglio applied to the civil section of the Tribunal of Rome to have the housing of Roma in the La Barbuta camp declared discriminatory and unlawful, together with the housing in all other segregated camps in Rome. Amnesty International supported the application with a submission.¹⁶⁸ On 30 May 2015, in a landmark judgement, the civil section of the Tribunal of Rome found that the Municipality of Rome had discriminated against Romani families by housing them in the La Barbuta camp. The court requested relevant authorities to remove the discriminatory treatment.
186. Further evidence of the discriminatory practices and policies regarding the use of authorized camps emerged also from a ruling delivered by the criminal section of the Tribunal of Rome in July 2015.¹⁶⁹ The court ordered that an investigation previously opened against some Romani residents of authorized camps in Rome be closed without proceeding to trial. The investigations centred on alleged concealing of money and pretending to be poor by some camp residents in order to receive housing assistance from the municipality.
187. However, the judge found that such crime could not have been committed on the basis that the investigating and prosecuting authorities were unable to produce any documents showing that the families had requested to be placed in a camp. On the contrary, they had been placed in a camp following a unilateral decision by the authorities, without any verification (or even requesting a written declaration by the relevant individuals) as to the state of destitution of the family. It is submitted that this ruling demonstrates how the Municipality of Rome has for a long time offered placements in a camp not on grounds of the indigent status of relevant families, but instead on grounds of their belonging to a common ethnic group: the Roma.
188. Mayor Marino left office in October 2015 and a political crisis followed as criminal investigations for corruption related to public sector contracts brought to arrests and prosecutions of councillors and employees of the municipality.¹⁷⁰ A government commissioner, Prefect Tronca, was appointed to lead the city until new elections could be held in June 2016.
189. In a meeting with Amnesty International in February 2016, the Sub-Commissioner for Social Affairs and Housing of the Municipality of Rome stated that a plan was being devised to facilitate the de-segregation of residents of the La Barbuta camp, as well as of those of the small Monachina camp. No plan to address the segregation of families living in the other camps was mentioned. No details were shared about the options and resources to be made available by authorities, nor about any process of consultation. In the following months, no further action regarding the closure of camps was taken, until mayoral elections were held in June 2016.

6.1.3 MAYOR VIRGINIA RAGGI’S ADMINISTRATION, JUNE 2016 TO DATE

190. The current administration, headed by Mayor Virginia Raggi, started a formal process aimed at the inclusion of Roma people in the capital in November 2016. The process consisted initially in the opening of a consultative process to draft a plan of action gradually to close the segregated camps and centres of the capital and increase the inclusion of Romani people.¹⁷¹ The plan, which was published in May 2017, represents on paper a departure from policies of segregation and exclusion. It expressly situates itself within the NSRI and addresses the four key areas of housing, work, education and health. With specific regard to housing, the plan indicates that “inclusion paths” will be devised to assist families who have indicated a willingness to exit camps; housing alternatives will be identified and measures to assist economically those in need will also be planned. Other measures such as voluntary return to the country of origin for people who have more recently arrived are also contemplated, as well as transfers, again supposedly on a voluntary basis,

https://www.senato.it/application/xmanager/projects/leg18/file/repository/notizie/2018/RELAZIONE_FINALE.pdf

¹⁶⁸ On file at Amnesty International

¹⁶⁹ http://roma.repubblica.it/cronaca/2016/11/05/news/roma_assolti_56_rom_finti_poveri_nei_conti_5_milioni_di_euro-151387254/

¹⁷⁰ See among many, <https://www.theguardian.com/world/2015/oct/08/rome-mayor-resigns-amid-expenses-scandal-ignazio-marino>

¹⁷¹ See the Deliberazione n. 117 Istituzione del Tavolo cittadino per l’inclusione delle popolazioni Rom, Sinti e Caminanti, at https://www.comune.roma.it/resources/cms/documents/DGC_Delib_117_16_12_2016.pdf

to other municipalities.¹⁷² The plan identifies the camps of La Barbuta and La Monachina as the first two where an experimental process will be developed using 3,8 million euro of funds from the EU financed Programma Operativo Nazionale (PON) Metro 2014-2020.¹⁷³

191. Yet, notwithstanding the stated intentions of the current administration, the reality on the ground for Romani families has not only remained unchanged but in fact conditions in authorized and “tolerated” camps have considerably deteriorated, including because of cuts to social services by the municipality following a serious, ongoing financial crisis.¹⁷⁴ In 2017, the sanitation system of Castel Romano camp broke down leading to a sewage flooding in the area; moreover, the provision of water to the camp was only occasionally guaranteed due to problems with the water purifying system. A parliamentary question was tabled in September 2017 on the situation, denouncing the resulting grave health and hygiene problems experienced by the residents, with reported cases of scabies and other illnesses.¹⁷⁵
192. The case of Camping River, which after repeated failed attempts, was eventually forcibly evicted and shut down by the Rome municipal authorities on 26 July 2018, is also symptomatic of the failure to implement a closure of camps in a manner consistent with human rights standards. The camp was forcibly evicted notwithstanding the European Court of Human Rights’ instruction that the authorities halt the eviction until the following day.¹⁷⁶
193. In 2017 the municipality needed to renew the contract for the management of the then authorized camp of Camping River. Unable to ensure the lawful public tender process to select a managing entity, the municipality decided to add Camping River to the ones prioritized for closure in the new plan.¹⁷⁷ On 4 July, the municipality notified residents, over 300 people, that the camp would be closed and they needed to vacate it by 30 September 2017. According to Associazione 21 luglio, all families were then invited to a meeting with social services, to be offered financial support, as described in the plan, if they could demonstrate to have obtained a contract of rent or other document showing they had found accommodation in a reception centre. Assistance and support in finding and securing suitable accommodation was not offered. Unable to achieve such contracts due to their lack of financial means to offer as guarantee (in addition to the bias against Roma which prevents them from accessing the private rental market in a condition of equality with other customers¹⁷⁸), the vast majority of families were unable to vacate the camp by the deadline. The managing entity ended its activities in the camp at the end of 2017 and the area was then regarded as occupied private land and no longer an authorized camp. The municipality ended all services and committed to ensure the provision of water and sanitation until 30 June 2018. When even the water provision was stopped, people were left in an increasingly desperate situation.¹⁷⁹ On 13 July 2018, the mayor signed the order to remove all people still present in the camp, due to the deteriorating hygienic situation which, on account of the weather conditions in Rome at that time, could pose risks to the residents’ health - a situation which clearly had been made much worse by the decision of the authorities to interrupt water provision to the camp. Three of the residents applied to the European Court of Human Rights for measures under Rule 39 to temporarily halt the eviction. The Court granted the measures on 23 July and requested that the eviction be halted until 27 July and that the authorities provide information to the Court about the housing alternatives made available to the residents. Following a meeting with the Minister of Interior, the mayor of Rome proceeded with the forced eviction on 26 July. A few families accepted housing alternatives which involved the separation of the family unit, while about 100 people, many of them children, were left homeless and without any housing solution as a result.
194. The application of the three former residents who had applied for the interim measures for breaches of their rights under the European Convention of Human Rights as a result of their forced eviction from Camping River is currently pending before the Court.¹⁸⁰

¹⁷² «Piano di indirizzo di Roma Capitale per l’inclusione delle Popolazioni Rom, Sinte e Caminanti” descritto nella Delibera della Giunta Capitolina n.105 del 26 maggio 2017, available at <http://www.agenziaradicale.com/images/DGC10526052017.pdf>

¹⁷³ <http://www.ponmetro.it/home/programma/cosa-e/>

¹⁷⁴ Associazione 21 luglio, Rapporto annuale 2017, <http://www.21luglio.org/21luglio/rapporto-annuale-2017-26-mila-rom-emergenza-abitativa-2/>

¹⁷⁵ For a detailed account of the forced eviction and of the events leading to and following it, see the press conference given at the Italian parliament by Associazione 21 luglio and some journalists: http://documenti.camera.it/leg17/resoconti/assemblea/html/sed0862/leg.17.sed0862.allegato_b.pdf

¹⁷⁶ <https://www.amnesty.org.uk/press-releases/italy-cruel-and-callous-roma-eviction-defies-european-court-ruling>; see also

<https://www.theguardian.com/world/2018/jul/26/italian-police-clear-roma-camp-despite-eu-ruling-requesting-delay>

¹⁷⁷ Deliberazione 146 Modifiche al “Piano di indirizzo di Roma Capitale per l’inclusione delle Popolazioni Rom, Sinti e Caminanti” approvato con deliberazione della Giunta Capitolina n. 105 del 26 maggio 2017. Estensione delle misure sperimentali per l’inclusione sociale agli ospiti del Villaggio attrezzato “Camping River”. Available at <http://www.cartainregola.it/index.php/istituzioni/roma-capitale/la-giunta/accade-in-campidoglio/le-delibere-della-giunta-raggi/>

¹⁷⁸ See *Double Standards: Italy’s Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

¹⁷⁹ See Associazione 21 luglio, Rapporto annuale 2017, <http://www.21luglio.org/21luglio/rapporto-annuale-2017-26-mila-rom-emergenza-abitativa-2/>, and also <http://www.romatoday.it/politica/camping-river-nuova-delibera-chiusura-campo.html>

¹⁸⁰ For a detailed account of the forced eviction and of the events leading to and following it, see the press conference given at the Italian parliament by Associazione 21 luglio and some journalists:

http://documenti.camera.it/leg17/resoconti/assemblea/html/sed0862/leg.17.sed0862.allegato_b.pdf

195. In the case of Camping River, the municipality failed to genuinely consult the families on possible adequate alternatives, and the mere offer of financial support (800 euros per month for two years, as provided for in the new plan) proved inadequate for families who cannot secure a rent contract in the private market in the first place due to (a) the lack of financial resources to offer as guarantee¹⁸¹ and (b) the general bias and prejudice which remains prevalent against Roma, making it extremely hard for them to access private accommodation. The only other offer proposed by the authorities, assisted repatriation to Romania, was taken up only by some 19 people.
196. Furthermore, the case of Camping River demonstrates that lack of security of tenure of families in authorized camps remains a key problem as families are asked to move out at short notice on the basis of a decision by the administration in which they were seen as having no rights.
197. From the information available, the municipality does not appear to be envisaging improving or changing the living conditions in the other authorized and tolerated camps, with hundreds of adults and children doomed to continue living in segregated and inadequate camps for the foreseeable future.

6.2 GIUGLIANO

198. Giugliano, in the province of Naples, Campania region, has about 120 thousand inhabitants. Romani communities have been present in the area for about 30 years.
199. Between 2004 and 2006, the municipality decided to set up an authorized camp for the Roma to reside in, in the industrial area of the town, made up of 24 housing units. These were assigned in March 2011 to 22 out of 75 families who responded to an ad hoc public offer and were able to demonstrate they fulfilled certain requirements. The excluded 53 families were not provided with any housing and remained in informal settlements, from which they were forcibly evicted several times in the following years, each time setting up a new informal camp elsewhere in the area.¹⁸²
200. In December 2012, the municipality decided to build a new camp, in the locality “Masseria del Pozzo”, to temporarily house people of Romani ethnicity (“Roma” being explicitly identified as a target group for the new camp in relevant official decisions).¹⁸³ Between March and April 2013 – 17 months after the end of the “Nomad Emergency” and 14 months after the adoption of the National Strategy for Roma Inclusion – construction works were completed and the Roma were transferred to the camp.¹⁸⁴ As mentioned above (see under Forced evictions), the Masseria del Pozzo camp was built in an area presenting serious health and safety concerns, due to the location’s proximity to landfills containing toxic waste. It is common knowledge, confirmed by several police investigations, that landfills in that specific area (known as “Terra dei fuochi”) have been used for years to dispose unlawfully of toxic industrial waste coming from various parts of Italy.¹⁸⁵
201. Families were not provided with housing, but only with communal toilets and other basic communal infrastructure which were however inadequate to meet their needs; they were instead authorized to build shacks or place caravans in the area. The municipality adopted “Regulations for the functioning of the area of temporary stay for nomads in locality Masseria del Pozzo”,¹⁸⁶ indicating that residents could stay for a maximum period of 60 days, renewable up to a maximum of four times.

¹⁸¹ Article 11 of Law n. 392 of 27 July 1978 allows the owner to request up to three months of rent as a deposit in addition to the current month that is due

¹⁸² Città di Giugliano, Deliberazione del Commissario Prefettizio N.10, Progetto preliminare per l’allestimento di un’area in località Masseria del Pozzo, adibita a campo sosta temporanea a bassa soglia di accoglienza per la popolazione Rom, 6 December 2012, at http://www.comune.giugliano.na.it/commissario/consiglio/delibera_n10.pdf. See also: Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani - Resoconto sommario n. 37 del 05/03/2014, Seguito dell’indagine conoscitiva sui livelli e i meccanismi di tutela dei diritti umani, vigenti in Italia e nella realtà internazionale: audizione di rappresentanti di associazioni sulla condizione del campo rom di Giugliano (Napoli), available at: https://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=00750896&part=doc_dc-sedetit_pi-genbl_sdcisleidtdduvienr&parse=no&sm_au=iVVSZq5QHHT47Q4M

¹⁸³ Città di Giugliano, Deliberazione del Commissario Prefettizio N.10, Progetto preliminare per l’allestimento di un’area in località Masseria del Pozzo, adibita a campo sosta temporanea a bassa soglia di accoglienza per la popolazione Rom, 6 December 2012, at http://www.comune.giugliano.na.it/commissario/consiglio/delibera_n10.pdf

¹⁸⁴ Città di Giugliano in Campania, Deliberazione della Commissione Straordinaria, N.120, 19 December 2013, http://www.comune.giugliano.na.it/commissario/commissione/2013/delibera_n120.pdf

¹⁸⁵ Agenzia regionale protezione ambientale Campania (ARPAC), microsite on “Terra dei fuochi”, <http://www.arpacampania.it/web/guest/1084>, ARPAC, Terra dei fuochi: Relazione sulle attività svolte dal 23.12.2013 al 29.01.2015, <http://www.arpacampania.it/documents/30626/0/TDF%20RELAZIONE%20ALLEGATA%20AL%20DECRETO%2012%20FEBBRAIO%202015.pdf>, ARPAC, Terra dei Fuochi: primi risultati delle indagini, ARPA Campania Ambiente, 15 February 2015, <http://www.arpacampania.it/documents/30626/0/articolo%20dal%20magazine%20n.3-2015.pdf>

¹⁸⁶ Città di Giugliano, Deliberazione del Commissario Straordinario, N.33, 26 March 2013, http://www.comune.giugliano.na.it/commissario/consiglio/2013/delibera_n33.pdf. The regulations are available at http://www.comune.giugliano.na.it/allegati/3235Regolamento_ROM.pdf

202. In the following months, living conditions in the camp deteriorated and the camp became uninhabitable, due to the inadequacy of the sewage, water and electricity infrastructure.
203. The degrading living conditions of the camp became the object of severe criticism by several observers.¹⁸⁷ In March 2014, a delegation of the Italian Senate Extraordinary Commission on Human Rights visited the camp and publicly deplored the situation, calling it “an intolerable shame”, not only due to the contamination of the area but also in consideration of the state of abandonment of the residents, half of them children.¹⁸⁸
204. In October 2015, the judicial authority ordered the seizure of the camp and the removal by the municipality of the families. On 19 February 2016 Amnesty International representatives visited the camp of Masseria del Pozzo and noted the precarious stand pipes providing water and the improvised electricity supply. Conditions were overall sub-standard and unsuitable for human habitation. Many residents complained about the unbearable smell present in the area reportedly due to biogas and other unidentified fumes being released periodically in the air from the nearby covered landfill.
205. Faced with the closure of the camp due to the judicial decision¹⁸⁹, in February 2016, rather than launching a genuine consultation to identify adequate housing alternatives for the community, the Municipality of Giugliano, the Region Campania and the Ministry of Interior signed a protocol for a “project of social inclusion and housing for Roma in the town of Giugliano di Campania”. While this purported to be in line with the NSRI, Amnesty International expressed concern that it constituted a roadmap for the creation of a new mono-ethnic camp. Indeed, the only action planned and funded through the protocol appeared to consist of the construction of such a camp to be paid for with 1.3 million Euros provided by the Ministry of Interior and Campania Region, and destined to house solely Romani families for a total of 236 people in 44 pre-fabricated units. There was no plan to achieve the medium and long-term inclusion of the Romani community by accessing adequate housing. Although some integration measures were envisaged in the project no funds appeared to have been secured.
206. In subsequent months living conditions at Masseria del Pozzo continued to deteriorate, and the new camp did not materialize. In June 2016, the Giugliano municipality decided to forcibly evict the Romani families of Masseria del Pozzo in the manner described above under Forced evictions. The authorities effectively delivered the families from an authorized camp built on a toxic landfill area to an informal settlement on private land on the site of a former fireworks factory, infested by rats and with inadequate provision of water, electricity and sanitation.
207. Amnesty International witnessed the inadequate conditions of the new site in June 2016 soon after the community arrived there (see above Annex 1, section 5.4). Amnesty International visited the settlement at the former fireworks factory again on 28 February, on 2 March 2017 and in June 2017 and found the families still living in extremely inadequate conditions, in dilapidated caravans and shacks, in a site which the residents described as infested by rats and mice, prone to turn into a vast pool of mud when it rains, and where access to electricity was limited, arranged through a connection privately set up by a concerned local priest reportedly in his name. Cold water was available from a few communal taps. A small number of portable toilet booths were available, but the families appeared to be using improvised toilets at the edges of the site, an obvious health concern. The residents said and the local priest assisting them confirmed that children were not enrolled in any local school and had not been attending school for months.
208. Amnesty International sought a meeting with the Mayor of Giugliano on the occasion of these visits, to no avail. When Amnesty International last visited the settlement in June 2017, residents told researchers that there was no evidence that the community had been adequately consulted on possible housing alternatives other than a new segregated camp. Residents told Amnesty International that they were aware of rumours about the construction of a new camp, but they knew that it had not yet been possible to identify a location due to the hostility of neighbours who did not want a Romani camp in the vicinities.
209. In November 2017, the Minister of the Interior confirmed in parliament that his ministry continued to support the plan to build a new camp for the Romani community of Giugliano, described as “eco-village”, including by providing additional funding.¹⁹⁰ The Minister committed a total of 700,000 euro towards the cost of the

¹⁸⁷ Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani - Resoconto sommario n. 37 del 05/03/2014, Seguito dell'indagine conoscitiva sui livelli e i meccanismi di tutela dei diritti umani, vigenti in Italia e nella realtà internazionale: audizione di rappresentanti di associazioni sulla condizione del campo rom di Giugliano (Napoli), available at: https://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=00750896&part=doc_dc-sedetit_pi-genbl_sdcisleimdtdduviienr&parse=no&sm_au=iVVSZq5QHHt47Q4M; see also Città di Giugliano in Campania, Ordinanza Commissariale, N.49, 11 June 2015, on file

¹⁸⁸ Manconi: Il campo rom di Giugliano è una vergogna intollerabile, 14 March 2014, available at

https://www.senato.it/application/xmanager/projects/leg17/file/Comunicato%20stampa.pdf?sm_au=iVVSrDHJ5N0WkBTQ

¹⁸⁹ On file at Amnesty International

¹⁹⁰ See the press release of the Ministry of Interior at <http://www.interno.gov.it/it/notizie/ministero-dellinterno-sostiene-pienamente-progetto-villaggio-giugliano>. See also the parliamentary question available at: <http://www.camera.it/leg17/410?idSeduta=0893&tipo=stenografico>

camp, currently estimated to be 2.5 million euro, up from the initial 1.3 million euro, bringing the cost for one of the 44 family units to 57.000 euro.

210. In January 2018, however, a ruling of the Council of State requested the Municipality of Giugliano to ensure that the local council deliberate over a proposal to hold a consultative referendum on the construction of the new camp for Roma, described as “eco-village”.¹⁹¹
211. Following the Council of State ruling, Giugliano’s council decided to explore a broader set of possible housing alternatives in a deliberation which expressly refers to Italy’s commitments to overcome segregated camps and the principles of the NSRI.¹⁹²
212. As the new course of action was agreed by the municipality, at the beginning of 2018, the community experienced extreme weather conditions with torrential rains flooding vast areas of the settlement and protracted periods of very low temperatures and snowfalls.¹⁹³ As of October 2018, the community continues to live in the same site in completely unacceptable conditions contrary to Italy’s obligations under Article 31 of the Revised Charter. In September 2018, there were reports that children in the camp had fallen ill to the virus beta-hemolytic streptococcus, and in October 2018 that the camp was flooded with water reaching the floors of caravans and mobile homes.¹⁹⁴

6.3 NAPLES

213. Romani communities have settled in Naples since the 1970s, with an estimated 2,500 people currently living in the city. The majority of families live in informal settlements in large occupied buildings in extremely precarious conditions. The municipality built an authorized camp named “solidarity village” for Roma in Secondigliano in 2000, where some 700 people continue to live. Housing is provided in containers. Water, electricity, gas and sanitation are provided. Amnesty International briefly visited the camp in 2017. While the homes appeared to be very basic but of an adequate standard, the camp, located near an intensely trafficked road, fenced and accessible via a gate, is a typically segregated structure. A second segregated reception centre was opened by the municipality in 2005 in the Soccavo area, the “Centro di Prima Accoglienza ex scuola G. Deledda”, later named “Centro Comunale di Accoglienza e Supporto Territoriale per Rom Rumeni”.¹⁹⁵
214. In April 2017, the municipality opened another segregated authorized camp for Roma in via del Riposo. The camp is officially described as a “temporary centre of first assistance” (“centro temporaneo di prima accoglienza”) for Roma of Romanian origin. The Ministry of Interior contributed with Euro 500,000 to the construction of the camp – a circumstance confirmed to Amnesty International by the Councillor for Welfare of the municipality.¹⁹⁶ The authorities transferred to the new camp around 200 people out of a community of nearly 1,300¹⁹⁷ they forcibly evicted from an informal settlement in Gianturco (see above, section 5.3). The new camp is located where a Romani settlement was burned down by assailants in 2013. Anti-Roma slogans were sprayed on fence walls near the camp even before the arrival of the families and the authorities told Amnesty International that police officers would be stationing for some time outside the camp to protect the new residents. Amnesty International visited the site of the new camp in February and April 2017. Amnesty International considers the new camp to be a typical authorized camp for Roma and as such offering inadequate housing. It is fenced, segregated, and housing is provided in 28 containers of about 20m², inadequate for the number of people assigned to each of them. The area where the camp has been built had been seized by judicial authority because it had been used for illegal dumping of waste and had to be released from seizure by local authorities to proceed with the construction.¹⁹⁸
215. The municipality has repeatedly stated, including during meetings with Amnesty International, that the housing of Roma in the new segregated camp is a temporary solution. However, the municipality has yet to indicate what their plan is to ensure that the families will leave the segregated accommodation by a certain

¹⁹¹ See the ruling of the Lazio Regional Tribunal at <https://d1vyhbjmp4puz.cloudfront.net/wp-content/uploads/2017/07/Sentenza-Mallardo.pdf>

¹⁹² Comune di Giugliano, Delibera di Giunta n. 6 of 30 January 2018, at <http://giugliano.soluzionipa.it/openweb/pratiche/registri.php?codEstr=DEL>. Over five thousand residents of Giugliano, concerned about the construction of the new camp, had in fact signed a petition requesting that the proposal be subjected to a referendum. The refusal of the municipality to hold the referendum had resulted in administrative judicial proceedings between the municipality and the referendum’s organizers

¹⁹³ <https://www.lindisponente.it/2018/02/08/giugliano-rom-nel-fango-vogliamo-tutele-lira-dei-cittadini/>
<https://www.youtube.com/watch?v=wMOUuAqyKJo>

<https://internapoli.it/gelo-a-giugliano-il-comune-aiuta-la-popolazione-rom-ed-i-senza-tetto/>

¹⁹⁴ https://www.ilmattino.it/napoli/cronaca/degrado_campo_rom_e_allarme_epidemia-3984829.html;

https://ilmattino.it/napoli/cronaca/allagato_campo_rom_giugliano_350_persone_bloccate_nelle_roulotte-4009826.html

¹⁹⁵ <http://www.comune.napoli.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/15249>

¹⁹⁶ <https://www.amnesty.org/download/Documents/EUR3059262017ENGLISH.pdf>

¹⁹⁷ According to the municipality’s data, there were 850 people living in the Gianturco settlement

¹⁹⁸ http://www.21luglio.org/21luglio/wp-content/uploads/2018/04/Rapporto_Annuale-2017_web.pdf

time and about the housing alternatives which the municipality may be able to provide to them at a later stage.

6.4 MILAN

216. Around 3,000 Romani people are estimated to live in Milan. Until recently, about 700 of them lived in the seven authorized camps set up by the municipality since the late 1980s: Bonfadini, Chiesa Rossa, Idro, Impastato, Martirano, Negrotto, and Novara. The camps of via Novara and via Idro were closed in 2014 and 2016 respectively (on the latter, see above under Forced evictions).¹⁹⁹ During the “Nomad Emergency”, which coincided with the tenure of Letizia Moratti, centre-right, as Mayor of Milan, Roma in the city experienced hundreds of forced evictions carried out in an extremely hostile climate including anti-Roma rhetoric from local politicians and officials.²⁰⁰ In June 2011, the centre-left Mayor Giuliano Pisapia was elected. Although the anti-Roma rhetoric from representatives of the local authorities subsided, forced evictions continued. In November 2012, the municipality approved the “Linee guida Rom, Sinti e Caminanti”, guidelines for the implementation of the NSRI at local level.²⁰¹ The guidelines aimed to promote the social inclusion of Roma, while countering the creation of new informal settlements and the consolidation of recent ones through the “removal” (“allontanamento”) of their residents – effectively through repeated forced evictions. The guidelines provided also for the opening of shelters offering communal housing for those in need after evictions, so called centres for social emergency (“centri per l'emergenza sociale”, CES). In these, the offer of housing would be conditional to accepting to abide by the centres' regulations and to agreeing to a programme promoting individual autonomy and integration. Measures for the gradual closure of authorized camps were also envisaged, while in the meantime there would be an emphasis on enforcing authorized camps' regulations and security checks in the camps in order to exercise greater control over residents.²⁰²
217. Since 2012, therefore, while many families continued to be rendered homeless due to forced evictions, the municipality attempted to set up a new system to offer temporary housing to those affected by evictions in two stages. Initially, they are hosted in one of two centres set up by the municipality to provide temporary emergency accommodation for a maximum of 40 days renewable for five times (the CES). If they abide by the centres' regulations and take part in integration programmes organized by the social services, they can then move on to secondary reception centres (so called centres for “autonomous living”, centri per l'autonomia abitativa, CAA), where families enjoy a broader degree of independence and privacy but where they continue to be required to take part in specific programmes and to respect the rules of the centres before being assisted in finding independent housing.
218. Amnesty International visited the CES of via Barzaghi in June 2013. The centre is located in a civil protection building, with a guarded entrance, where Romani families are housed in communal rooms and share cooking facilities and bathrooms. Residents complained about the lack of privacy they were enduring, with several families sharing the same room with beds separated only by small furniture or improvised dividers.
219. Data provided by the municipality show that 1,182 people were hosted in primary reception centres between 2013 and September 2015, 979 of them Roma (83%), while the rest were people of various nationalities, including Italian, evicted from social housing. Out of the 919 who left the centres in that period, only 319 people (93 families) were allowed to move on to housing assistance of secondary level, for the medium term, while 380 people (89 families) were expelled from the primary reception centres once the maximum period they were allowed to stay had expired, either because their participation in inclusion projects was deemed inadequate, or because they breached the centres' regulations.²⁰³
220. The first secondary reception centre set up in via Novara with 110 places. It hosted 146 people between 2013 and September 2015. Of the 50 people (10 families) who left the centre, only 11 of them had access to alternative accommodation, while the other 39 were expelled because they had reached the maximum stay period without meeting the objectives of the project, or because of breaches of the regulations. Two further secondary reception centres were opened in 2015 (80 and 30 places respectively) in building owned or managed by Non-governmental organizations. During the same period from 2013 to September 2015, 73 people were housed for a maximum period of two years in independent housing units made available by local

¹⁹⁹ Naga, *Nomadi per forza - Indagine sull'applicazione delle Linee guida Rom, Sinti e Caminanti del Comune di Milano* http://www.naga.it/tl_files/naga/comunicati/INVITI/Report_Nomadi%20per%20forza.pdf

²⁰⁰ *Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan*, Amnesty International Index: EUR 30/022/2011

²⁰¹ http://www.marcogranelli.it/wp-content/uploads/2016/01/Linee-Guida-Rom-Sinti-Caminanti_def.pdf

²⁰² http://www.marcogranelli.it/wp-content/uploads/2016/01/Linee-Guida-Rom-Sinti-Caminanti_def.pdf

²⁰³ Rom, sinti e caminanti, *Strategia, azioni e numeri dell'intervento del Comune di Milano 2013 – 2014 – 2015*, Aggiornamento dati al 30 settembre 2015, PP presentation, <http://www.marcogranelli.it/wp-content/uploads/2016/01/slides-rom-sinti-caminanti-bz-9-nov-2015.pdf>

charities through agreement with the municipality: out of the 45 people who were discharged, 25 were rendered homeless as they had not been granted access to further housing support.²⁰⁴

221. This data indicates that, although the resources invested in primary and secondary reception for Roma provided a temporary (although not always adequate in terms of space and privacy) accommodation for families subjected to evictions, inclusion programmes were not adequately structured and funded, and as a result, a majority of people benefiting from temporary reception after an eviction ultimately fell back into homelessness. A significant number of these families have since settled again in informal settlements, with poor living conditions and no security of tenure, thereby remaining at risk of potential forced evictions. Lamentably, municipal policies permit families to benefit from the emergency housing scheme only once, which means that if subjected to subsequent evictions, they will continue to be at risk of being rendered homeless.
222. Furthermore, local NGOs documented that, in various instances, emergency shelter was not offered to families affected by evictions: either because places available were not sufficient to cater for all those affected (for example, the forced eviction at Montefeltro-Brunetti camp on 25 November 2013); or because people were encouraged to leave the area before the eviction would take place through verbal warnings, and therefore the number of people accessing emergency assistance was in fact smaller than the actual number of people affected by the eviction; or because social services were not alerted by officials carrying out an eviction hence they were not ready to organize reception in emergency shelters to people affected.²⁰⁵
223. Amnesty International considers that since the adoption of the “Linee guida rom, sinti e caminanti”, by the Municipality of Milan, while in principle pursuing policies aimed at implementing the NSRI and achieving social integration, in practice has prioritized the funding and implementation of security measures, including frequent forced evictions, and has continued to offer conditional, temporary, largely segregated and ultimately inadequate housing alternatives to people affected by evictions and in need of housing assistance.
224. At the time of writing the Milan Municipal authorities intend to proceed with the closure of the remaining authorised camps in Milan. According to reports, the authorities plan to assess the safety and security situation in the camps and offer programmes of social inclusion and temporary and conditional housing in the above described primary and secondary reception centres. Residents will be given a deadline of 90 days from the date of the security councillor’s order to close the camps after which the eviction will be carried out.²⁰⁶ In May 2016, Milan’s current Mayor Giuseppe Sala, elected in June 2016 for the centre-left, expressed concern about increased criminal activities allegedly carried out by Romani people and stated to the media that renewed efforts will be deployed to ensure security checks on Romani informal settlements and in authorized camps, with a view to accelerate their closure.²⁰⁷ Amnesty International is concerned that under the guise of tackling crime, the municipality may be set to carry out more forced evictions without offering adequate housing alternatives beyond temporary and largely segregated accommodation to the families caught in the implementation of security measures.

²⁰⁴ Rom, sinti e caminanti, Strategia, azioni e numeri dell’intervento del Comune di Milano 2013 – 2014 – 2015, Aggiornamento dati al 30 settembre 2015, PP presentation, <http://www.marcogranelli.it/wp-content/uploads/2016/01/slides-rom-sinti-caminanti-bz-9-nov-2015.pdf>

²⁰⁵ NAGA Nomadi per forza, pp13-15

²⁰⁶ http://www.leggo.it/news/milano/campi_rom_milano_via_idro_via_negrotto-1625014.html

²⁰⁷ https://milano.corriere.it/notizie/cronaca/18_maggio_18/milano-sala-ora-basta-campi-rom-si-va-la-loro-chiusura-totale-468c0b8c-5ace-11e8-be88-f6b7fbf45ecc.shtml

7. ANNEX 3: DOCUMENTED EVIDENCE OF LACK OF EQUAL ACCESS TO SOCIAL HOUSING AND APPLICATION OF DISCRIMINATORY CRITERIA: THE CASE OF ROME

225. Very few Romani families are reported as living in some of the 50,000 social housing properties owned by the municipality.²⁰⁸

226. In the last 18 years the Municipality of Rome has issued only two public offers of social housing, one in 2000, which eventually closed on 31 December 2009, and the most recent one which opened on 31 December 2012. Between 2009 and 2012 nobody had the possibility to apply, regardless of the urgency of their housing needs.

227. The 2000 public offer prioritized families who had either been lawfully evicted through an administrative procedure for public interest reasons or through a civil law procedure from private accommodation.²⁰⁹ It was virtually impossible for families who could not prove to have been evicted in either of these ways to reach the score required to have a reasonable chance of being assigned one of the very few social housing dwellings available. This had an indirect but clear discriminatory effect on Romani families, who could not meet either of these requirements despite frequently suffering forced evictions from camps (rather than from private accommodation), in the absence of legal safeguards which in many cases left them homeless.²¹⁰

228. On 31 December 2012, with the adoption of a new public housing offer, the Municipality of Rome broadened the range of criteria for prioritizing applications. Crucially, the new public offer gives the highest priority in assigning social housing to families living in greatly disadvantaged housing conditions, as certified by the authorities, and who:

1. (Category A1) Have lived for at least one continuous year on the date of application in centres, public dormitories or any other appropriate structures temporarily provided by organs, institutions and recognized and authorized charitable organisations dedicated to public assistance;
2. (Category A2) Are economically assisted by social services and have been living for at least one year in greatly disadvantaged housing conditions having found temporary shelter in inadequate structures (with no basic services).²¹¹

²⁰⁸ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²⁰⁹ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²¹⁰ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²¹¹ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

229. Romani families and NGOs working with Romani communities noted that the criterion described in Category A1 would appear to apply to Roma living in the authorized camps of Rome, giving them a potential viable chance to be assigned social housing. On this basis, many Romani families living in authorized camps applied for social housing.
230. This in turn generated considerable controversy among local politicians who argued that the public offer appeared to disproportionately favour the Roma. Consequently, in an attempt to exclude Romani families living in authorized camps from claiming Category A1 points, on 18 January 2013, Rome's Housing Policies department issued an internal circular with clarifications regarding the public offer.²¹² The circular stated that the previous list from the last offer for social housing remained in force and that social housing units which became available would be assigned alternately to those ranking highest in the two lists – the old and the new, yet to be issued, list. It also stated that “nomad camps” could not be considered as matching the situation described in Category A1 as the camps should be regarded as permanent structures.
231. Social services in Rome, on the basis of this circular, informed Romani families seeking assistance to apply for social housing that they would not qualify for the highest number of points. According to local non-governmental organizations, this advice resulted in Romani families applying without claiming Category A1 points and could deter some families from applying altogether, as it is well known that applicants who cannot reach the maximum score have no real chance of ever being assigned a home.
232. On 30 January 2013, the then-deputy mayor of Rome Sveva Belviso stated publicly:
- “To clarify things I ... reiterate and underline that this administration, from the outset and today, has never envisaged preferential or direct access to social housing for Romani citizens. Our national law foresees that every citizen who has the right to do so and the necessary requirements can apply to be included in the lists. These essential requirements are not currently attainable by Roma.”²¹³
233. This discriminatory and prejudicial approach to Roma was subsequently reinforced by similar declarations by city councillors keen to make it clear that the municipality had not planned and/or did not intend to allow Roma from authorized camps to access social housing.²¹⁴ These statements were widely reported in the media at the time.²¹⁵
234. The justification offered by the 18 January 2013 circular that authorized camps cannot be included in the circumstances described in Category A1 failed to mask its obviously discriminatory intent. The statement that “nomad camps” should be regarded as “permanent structures” was ambiguous. It did not clarify whether the notion of “permanence” was meant to be attributed to the physical infrastructure of camp or to the tenancy rights to a housing unit in a camp. If the former, defining camps as permanent structures was irrelevant to the criteria set out in Category A1, since points were given based on the temporary allocation of the housing unit. If the latter was meant, that is if the 18 January 2013 circular stated that the allocation of a housing unit in a camp was permanent and offered as a permanent housing solution, then the circular blatantly contradicted several official documents that stressed that the allocation of housing units in camps was temporary.
235. Following criticism by Amnesty International and other organizations, in May 2014 the then Councillor for Housing of the municipality, Daniele Ozzimo, during questioning by the Extraordinary Commission on Human Rights of the Italian Senate, stated that the 18 January circular would not be applied in the definition of the list of families to be assigned social housing. Amnesty International publicly welcomed this commitment and noted that some Romani families were provided with social housing on the basis that their ranking improved due to the non-application of the Circular.²¹⁶
236. However, the number of Romani families who have left camps and moved to social housing remains low, according to local NGOs and housing associations (the authorities do not collect data about the ethnicity of people accessing social housing). The municipality of Rome has indicated that some families from camps were assigned social housing. However, when requested by Amnesty International, it was unable to provide data on numbers, as “going through the list would require too much work and the ethnicity of families is not indicated in relevant documents”.²¹⁷
237. A further issue of concern has been that in order to address the housing emergency in the capital the Rome municipality and the Lazio region took measures which effectively by-passed the official social housing allocation system. In January 2014 the Lazio Regional Authorities provided 250m euros to fund a separate regional plan for

²¹² *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²¹³ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²¹⁴ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²¹⁵ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²¹⁶ “Il comune di Roma disapplica la circolare discriminatoria sugli alloggi popolari ai rom. Soddisfazione di Amnesty International”, Comunicato stampa, 9 maggio 2014, disponibile al link <http://www.amnesty.it/Comune-Roma-disapplica-circolare-discriminatoria-alloggi-popolari-ai-rom>

²¹⁷ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

social housing, with Rome getting 200 million euros.²¹⁸ However, even in this case, the three categories of eligibility were defined in such a way so as to indirectly discriminate against Roma, namely the prioritization of those (a) still awaiting assignation of social housing on the basis of the public notice of the year 2000; (b) who on 31 December 2013 were residing in a centre of temporary housing assistance (CAAT); and (c) who at the same date were residing in public or private properties not intended for living (“impropriamente adibiti ad abitazione”).

238. The first category did not include Roma living in camps, as only people subject to an eviction order from privately rented accommodation could be granted the score necessary to be assigned social housing under the 2000 public notice, as highlighted above.
239. The second category, benefiting people temporarily housed in one of 31 municipal shelters (CAAT), excluded Romani families residing in camps, or those who were moved to shelters specifically used to house Roma following an eviction.
240. The third category, which seems intended to refer to families who occupy buildings unlawfully, could potentially include Romani families living in some informal settlements, but not those living in authorized camps.
241. It is concerning that such funds were allocated through this parallel system, which perpetuates the exclusion of Roma, whilst the main social housing system is denied adequate resources and is therefore unable to cope with the pressing demand of tens of thousands of families.²¹⁹
242. Other measures adopted by the Municipality of Rome to assist people in need of housing have also tended, to a large extent, to indirectly discriminate against Roma. This includes the *Piano di intervento per il sostegno abitativo* adopted in May 2014²²⁰, which provides housing allowances (“Contributo all'affitto” and “Buono casa”), to assist people identified as in need of housing.
243. The “Contributo all'affitto” is an allowance aiming to support families to pay for rented accommodation. It is reserved for those who have received an eviction notice from privately rented accommodation, or who have had to leave their homes due to natural disasters or evictions due to safety reasons.²²¹ Consequently, only a very small number of Romani families can benefit from such allowances, since the vast majority do not meet the formal requirements given that they are not in privately rented accommodation.
244. The “Buono casa” is a housing allowance to facilitate the access of families, currently residing in one of the 31 CAAT municipal shelters, to rented accommodation. As already explained, neither authorized camps nor shelters used to provide temporary housing to Roma are considered as CAAT. As a result, Romani families living in such camps and centres are unable to access the “Buono Casa” allowance.
245. Such discriminatory policies and practices, which as far as Amnesty International is aware, have not been significantly modified by the current administration, contravene Italy’s obligations under Article 31 of the Revised Charter, together with other international human rights law instruments and EU anti-discrimination legislation.
246. Amnesty International could only document the discriminatory impact of criteria to provide social housing and housing assistance in the Municipality of Rome. However, Amnesty International is aware that similar discrimination is occurring in other municipalities due to the overall similar treatment of Roma. A review of housing policies to monitor access by Roma to social housing and other housing assistance was planned in the NSRI and due to take place in 2012-2013 but does not appear to ever have been carried out. Amnesty International considers this should be a first step towards removing all discriminatory obstacles to accessing housing assistance and social housing.

²¹⁸ Delibera n.303, Giunta regionale del Lazio, 14 Gennaio 2014, relativa al Piano straordinario per l'emergenza abitativa nel Lazio e attuazione del Programma per l'emergenza abitativa per Roma Capitale,

http://www.regione.lazio.it/binary/rl_main/tbl_news/Piano_Straordinario_Emergenza_Abitativa.pdf

²¹⁹ *Double Standards: Italy's Housing Policies Discriminate against Roma*, Amnesty International Index: EUR 30/008/2013

²²⁰ https://www.comune.roma.it/PCR/resources/cms/documents/sostegno_abitativo.pdf

²²¹ Delibera del Consiglio Comunale n. 163 del 6/7 agosto 1998

https://www.comune.roma.it/PCR/resources/cms/documents/DELIBERAZIONE_DEL_CONSIGLIO_COMUNALE.pdf

8. ANNEX 4: AMNESTY INTERNATIONAL'S REPORTS DOCUMENTING VIOLATIONS OF ROMA'S RIGHT TO ADEQUATE HOUSING

The wrong answer: Italy's Nomad Plan violates the housing rights of Roma in Rome, Amnesty International Index: EUR 30/001/2010

Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan, Amnesty International Index: EUR 30/022/2011

On the Edge: Roma, Forced Evictions and Segregation in Italy, Amnesty International Index: EUR 30/010/2012

Double Standards: Italy's Housing Policies Discriminate against Roma, Amnesty International Index: EUR 30/008/2013