



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

20 September 2019

Case Document No. 2

Amnesty International v. Italy
Complaint No. 178/2019

SUBMISSIONS BY THE GOVERNMENT ON THE MERITS

Registered at the Secretariat on 6 September 2019



REPUBBLICA ITALIANA

Ufficio dell'Agente del Governo italiano
davanti al Comitato Europeo dei Diritti Sociali

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Avvocatura Generale dello Stato

European Committee of Social Rights (ECSR)

Collective complaint n. 178/2019

Amnesty International vs Italy

**OBSERVATIONS
OF THE
ITALIAN GOVERNMENT**

Roma, 6 September 2019

Ct. 15416/2019
(Avv.ti Albenzio and Fiandaca)

1) Brief summary of the proceedings

1. Amnesty International filed a collective complaint against the Italian State, denouncing the violation of article 31 of the Carta Rivista, read by itself and in combination with article E.
2. This complaint was considered admissible by the Committee with the ruling of 4 July 2019, in which the Committee also indicated to the Government the adoption of immediate measures to avoid that the victims of evacuation may remain without housing and that the vulnerable subjects may be affected from this phenomenon.
3. In support of the decision, the Committee recalled the injunction adopted on 17 May 2019 by the European Court of Human Rights, which contained interim measures to ensure that the Italian government guaranteed temporary housing for certain families evicted from a settlement in San Giuliano, near Naples.
4. However, the decision of the Committee does not acknowledge that by decision of June 4, 2019 the Court revoked the ordered interim measure as no order to evacuate the camp had been adopted, as specified by the Italian Government.

2) The facts of the case

5. The Italian Government deems certain precisions in point of fact proper.
6. In Italy at the moment the National Project for the inclusion and integration of Roma, Sinti and Caminanti children is in force. It was promoted by the Ministry of Labor and Social Policies within the framework of the actions of the PON "Inclusion" 2014-2020, in collaboration with the Ministry of Education, University and Research, the Ministry of Health and the Istituto degli Innocenti. The project takes place in the main Italian metropolitan cities, which actively participate in the realization of the initiative: Bari, Bologna, Catania, Florence, Genoa, Messina, Milan, Naples, Palermo, Reggio Calabria, Rome, Turin and Venice.

7. In this regard, despite the current difficulty of guaranteeing fair access to public housing in the big cities, there are many examples where this possibility is granted to the RSC communities.

8. The following is a detailed list¹.

- "Roma Sinti Caminanti Project for housing inclusion, labor policies, redevelopment of occupied areas" is a Convention of the Municipality with the Prefecture, which is active in Milan.
- In Bergamo the family units belonging to the RSCs established in the territory are settled in cottages and apartments (rented or owned), in prefabricated buildings, caravans, campers (on municipal or owned land), with services and utilities mostly in good or acceptable conditions,
- The Municipality of Romano di Lombardia is the protagonist of the European project "Re-Roma: re-thinking Roma housing in Italy".
- In Vicenza there are many common projects leading to the involvement of RSC members in voluntary work;
- The Municipality of Alessandria was included among the priority areas of intervention established in the resolution of the Piedmont Region of 22-7099 dated 10/02/2014 establishing the "Regional Table for Inclusion and Social Integration of RSC".
- In Vercelli there are settlements in good condition (masonry houses with running water and electricity / caravans) and also included in the urban context.
- A project was financed in Genoa involving the Ministry of Labor and the Municipality of Genoa, entitled "*From the nomad camp to the house*", exactly after the flood of 2014, aimed at facilitating the transfer of family units to public housing.
- In Venice, particularly in the Municipality of Cavarzere, families live in popular or owned homes.
- In the city of Treviso a good part of the families present in the area are resident in ERP housing.

¹ Relevant documents are available on the Municipalities web sites.

- In Padua, various families live in social housing apartments on communal or owned areas. Furthermore, the protection of vulnerable persons with temporary housing concessions in the event of necessary evictions is foreseen. In addition, initiatives are underway to improve access to social health services and 30 housing units have been built in the municipal area thanks to the project "*From the nomad camp to the city*" co-funded by the Municipality of Padua and the Ministry of Labor.
- In Trento, 48 families are recipients of public housing and three families own private housing.
- In Trieste, the largest group of Roma are assigned either public housing (see the Project "Habitat micro areas", in application of the directives of the Strategy implemented by the Municipality, the Health Authority and ATER) or a subsidized rent.
- In Pordenone all families are housed in suitable homes, some in ATER lodgings with an adequate level of social inclusion.
- Also in Udine there is a European Roma-net Project (NGO, non-profit organization, ASL, Municipality, Minority Office, Ministry of Justice) to promote integration under various aspects and housing inclusion with fewer presences in the camps without evictions. In addition, "Ex-zone 0 Areas " were established (so named for their urban destination), in implementation of the Regional Law, March 14, 1988, which allowed RSC to purchase non-buildable agricultural land (used with mobile homes without foundations) to establish residence there.
- In Ferrara the regional law n. 11/2015, which finances the closure of large fields and encourages the use of micro areas is in force.
- In Parma, as many as 16 families reside in public housing and four in private accommodation.
- In the Municipality of Cesena, some families live in private housing, including two families (seven minors are present) awaiting the assignment of public housing.
- In Faenza all the residents stay in public housing or ecclesiastical property thanks to a project between the municipality and the region for the overcoming of camp accommodation and school inclusion. In the municipality of Faenza the local RSC

communities are ERP housing assignees after the clearing of the only field in the municipality.

- In Ravenna, several families were assigned ERP accommodations between 2005 and 2011 after the clearing (in 2004) of the only field in the municipality. Since 2017, a project co-financed by Emilia Romagna Region has been on for work and housing insertions and educational interventions, as well as a Protocol between the Unione Romagna Faentina and Consorzio Equo in Turin for the management of waste and scrap.

In Reggio Emilia there are settlements authorized by the municipality with caravans and prefabs. The areas dedicated to them are in proper hygienic conditions and provided with electricity. Furthermore, there is the possibility of accessing the ERP lists.

- In the Municipality of Guastalla, where there is an optimal integration of RSC in the territory, a project has been adopted for the construction of a field equipped with all technologies and comforts (purifier, gas, aqueduct, electricity) co-financed by the municipality and the Region Emilia Romagna, based on the indications of Opera Nomadi.

- In Bologna the implementation of the National Strategy was carried out through the dismantling of nomadic camps and the promotion of self-financed housing solutions (Regional Law 14/2015). Furthermore, the Municipality has adhered to the "National Project for the inclusion and integration of Roma, Sinti and Caminanti children" within the PON "Inclusion" 2014/2020. A "Municipal program for the identification of Roma and Sinti micro-family areas" was created to overcome the use of the camps through alternative solutions (for example, transitional housing - for vulnerable people - ERP housing, private market research). To overcome the camps, there is an integrated territorial team that meets monthly. Finally, there is socio-medical assistance and school courses for each family unit.

- In Tuscany, 160 households (therefore, around 780 people) have been assigned ERP social housing by lists. In addition, the following were approved: the 2007-2010 Regional Social Integrated Plan in implementation of the "*Project for actions aimed*

at Roma and Sinti people” to overcome the camps through ordinary housing solutions and the Tuscany Region Law no. 2/2000 “Interventions for Roma and Sinti” aimed at overcoming the camps with areas equipped for residence, restoration of buildings, use of social housing. Furthermore, testing of extraordinary programs to find free market housing is underway.

- In Massa Carrara, in concert with Michelucci Foundation of Florence, a project was launched for alternative housing solutions that led to the allocation of houses for public housing, or the purchase in the hamlet of Battilana, of land where campers and caravans settled.
- In Pesaro and Urbino, in particular in the Municipality of Fano, families are located in private housing or in public housing.
- In Rome on 18 November 2016, the “Inclusion Project” was approved by the Municipality for the purpose of dismantling six Roma camps (co-participation of UNAR, Lazio Region and Anci), subject to a European public announcement and European specifications. Furthermore, again in 2016, the Municipality of Rome approved the "City Inclusion Table" within which there was the “Table for school inclusion and health of RSC” together with AA.SS.LL. Rm1, RM2, RM3 and the national institute for the promotion of the health of migrants and the fight against poverty diseases aiming at socio-health prevention, which allowed the realization of an important vaccination campaign.
- In the Municipality of Frascati all family units are resident and integrated into the social fabric.
- In Teramo there are no Roma camps and the many people of the RSC ethnic group (about 1500 traditionally residing of old in the provincial territory) benefit from social housing. There is a multi-year project of the Caritas of Teramo Atri "Men break free together" to improve integration by: a table to deepen their knowledge; educational support at school and at home; activation of training experience ;
- In Avellino, families live in houses of public housing suitably equipped with every comfort.

- Sassari, in particular the municipality of Olbia, is planning to overcome the field with the search for alternative intermediate and definitive solutions (such as the restoration of country ruins, mobile homes on owned land, etc.). In 2018, 2 families left the field (they settled on land with a mobile home). In the near future, 9 families will follow, for a total of 97 people (7 families will settle on their own land with a mobile home, 2 in houses).

- In Alghero, until February 2017, 11 housing integration or projects alternative to the field (caravans, campers) were activated with funding from the Sardinia Region. People are helped to become aware of the need of mutual understanding in new housing contexts.

- The Project and the financing of the Sardinia Region are active in Porto Torres for overcoming the current settlement and finding alternative solutions (the participation of nomad community representatives is expected)

9. Ergo, the Italian State is implementing a policy of intense inclusion of Roma in the urban context of the main Italian cities.

10. Moreover, the complaint does not emphasize the provision of a solidarity fund of 2014 for the protection of victims of discrimination as well as the activity carried out by the National Union against racial discrimination as a National Contact Point for the implementation procedures of the Strategy for the inclusion of Tom, Sinti and Caminanti (2012-2020).

11. This activity was also recognized by the European Commission, which in 2015 published the third evaluation report on the Member States' National Strategies, recognizing the important positive developments related to programming relating to the 2014-2020 funding cycle, as well as the positive effects of the application of the National Strategy in the process of setting priorities.

12. This allowed the allocation of European funds explicitly dedicated to the implementation of the Strategy through a dedicated Thematic Objective (OT) which expressly provides for the *“Increase in education level, health conditions and social and labor participation of Roma, Sinti populations and Caminanti, in connection with the national Roma inclusion strategy”*, with total resources of around 14 million euros.

13. Through a comparison between the regional realities and the intermediate bodies it has been possible to insert this objective not only in the National Plans for the PON inclusion and the PON Metro (Metropolitan cities), but also among the same actions as some Regional Operational Plans.

14. As shown on the occasion of the drawing up of Italy's 5th report on the implementation of the Framework Convention for the Protection of National Minorities, transmitted to the Council of Europe on 8 April, numerous further initiatives have been adopted by UNAR, also in concert with other Italian institutions.

15. In recent years UNAR and Ministry of Instruction have held several bilateral meetings for the planning of initiatives in the framework of the Strategy, the discussion of cases and critical issues related to RSC minors, the ways of sharing tools with NGOs and communities and financial opportunities for promoting school inclusion of RSCs.

16. These meetings have resulted in a series of positive practical results that are not relevant here, but which are analyzed in detail in the aforementioned fifth Italian report on the implementation of the Framework Convention for the Protection of National Minorities.

17. Similarly, important results (also contained in the fifth report above), are derived from a collaboration agreement between UNAR and INMP (national institute for the promotion of the health of migrant populations) for creating and implementing an activity aimed at fostering the development of knowledge and skills on the part of local health authorities, for the implementation of the RSC health action plan, in order to make access to health care as equal as possible.

18. As regards, instead, the problematic question linked to the issue of the participation of civil society in the process of integration of the RSC community, UNAR has prepared the creation of an operative instrument of dialogue between the RSC and sector associations and the central public administrations and local authorities involved in the Strategy.

19. Following the European Commission requirements to facilitate the participation of the communities in each Member State, the National RSC Platform publicly announced in 2016 at national and international level was launched.

20. The National Roma, Sinti and Caminanti Platform - a national emanation of the European Rome Platform, promoted by the European Commission - is an operational instrument of dialogue between the UNAR, the RSC Associations and the sector Associations, and the central and local public administrations involved in the National Strategy of Inclusion of the RSC. The Platform was established in 2017 following a manifestation of interest with the admission of 79 associations from all over the national territory.

21. The objectives of the platform are:

a. facilitate and formalize dialogue and cooperation between institutions and the RSC / sector association movement, as well as between the various associations among themselves , in order to boost the aforementioned Strategy;

b. provide training support on topics of recognized interest, also for the purpose of developing project proposals useful in the planning of national and European funds;

c. promote the establishment of networks and federations and of the RSC Community Forum which constitutes a central core of the Platform (the Forum is envisaged by the Strategy “with interface functions, relations and coordination with the NCP, the National Tables, both with respect to the implementation of the Strategy and its periodic review and evaluation ”, see RSC National Strategy, p. 34 Par 2.3.2.).

22. The Forum is made up of 25 non-governmental organizations that in the manifestation of interest have self-declared to be predominantly composed of RSC people and to express a common position on some relevant issues to be put to the competent institutions (eg knowledge of the history of the Roma / Sinti in the field of public education, the definition of anti-Gypsyism, correct names to propose, focus on housing issue / overcoming camps, etc.).

23. The Platform started with a side-event promoted by UNAR in collaboration with the European Commission and the Council of Europe in Rome at the end of 2016.

24. The event was attended by 25 young representatives of the RSC community who stood out for an independent, significant course of study and / or work. The activities of 2017 included the creation of 3 plenary meetings, 1 meeting dedicated to the RSC

Forum and a side event organized on the sidelines of a training on antiziganism and hate speech on-line promoted by UNAR in collaboration with the Council of Europe.

25. During a plenary meeting on 19 September 2017, with a vote involving 60 NGOs, the delegates of the RSC National Platform were formally designated and it was decided to set up thematic study groups to accompany the work of the delegates appointed by the Platform within the Tables and Working Groups.

26. The purpose of this process is specifically to bring out the proposals and critical issues to be submitted to the competent administrations of the Tables and of the Monitoring Committees, to define the priorities, also in the context of scholastic and social integration of the RSC minors.

27. Upon designation of the other members and together with UNAR representatives, representatives of the RSC associations have already taken part in the meetings of the National Roma Contact Point and the European Roma Platform.

28. With regard to the PON Inclusion Monitoring Committee, a delegate designated by the Platform - chaired by the General Director of the National Anti-Racial Discrimination Office - took part in the last MC of 23 April 2018.

29. Likewise, the Managing Authority of Rural Network PON requested the participation of members of Roma and Sinti associations.

30. The involvement of the delegates designated for participation in the National Tables (work, health, education, housing) envisaged by the Strategy is in the start-up phase, while at the local level (municipal and regional) there are different methods of involvement and dialogue with the RSC people.

31. From these considerations, it emerges that the administrations are working to reaffirm shared solutions on the protection of the right to housing through the dialogue with the interested categories.

32. The applicant organization complains that forced evictions are not explicitly prohibited by national legislation and that the only law adopted by the Italian Parliament n. 48 of 18 April 2017 containing "*Urgent measures on city safety*" has not been adequately transposed into implementing measures, since the indications adopted

with the circulars of the Ministry of the Interior of 1 September 2017 and 1 September 2018 are to be considered insufficient.

33. See the description of the legislation for the analysis of the contents of the circulars, especially in relation to the indications contained therein for the protection of the most fragile persons.

34. In fact, it is worth highlighting here that by the circular an express control room is established at the Ministry of the Interior, with participants of the Anci, of the Conference of the Presidents of the Region and of the National Agency for the administration and destination of the assets seized and confiscated from organized crime. This in order to carry out an exhaustive survey of all the goods available for their use and reuse, including those seized.

35. Furthermore, a Metropolitan Committee is established at local level where Prefects can acquire the information mentioned above; the Committee has started and continues to operate at full speed, as can be seen from the following examples.

36. The Metropolitan Committee of Rome on October 20, 2017 has established to elaborate an operational protocol in order to define the methods for recording the situations of fragility present among the occupants.

37. The Metropolitan Committee of Naples on October 30, 2018 highlighted its guidelines for action on the subject, with an emphasis on inclusion, protection and social solidarity.

38. On 13 September 2018, in identifying its intervention methods, the Metropolitan Committee of Reggio Calabria, reiterated the need to verify the critical issues and implement the necessary support and integration measures.

39. On 25 September 2018, inter alia the Metropolitan Committee of Messina discussed structural interventions in favour of disadvantaged subjects, in the awareness that this reality may lead to situations of degradation to be faced with targeted interventions of social protection.

40. The remark on the circular in question at paragraph 83, namely that the protections envisaged by the same seem to concern only large-scale occupations in the larger cities (metropolitan), is to be contested since, as highlighted above in the

examples given relating to housing situations of cities of small and medium size, recently the problems in these cases are absolutely limited, since many examples of virtuous situations are present, where such discomforts have now been overcome.

41. The points analyzed are reaffirmed in the circular of 1 September 2018 where there is the list of addresses to be applied when the evictions of arbitrarily occupied buildings are established: here too the protection of families in situations of economic and social hardship is enhanced.

42. On the other hand, it is interesting to recall what happened on the occasion of the recent evacuation of the Roma community of the Municipality of Giugliano, which occurred on May 10, 2003, a story summarily reported in the adverse claim.

43. On that occasion, before the evacuation, in the Committee for Order and Public Security, the Mayor of Giugliano had previously represented that he had prepared transitional assistance measures for the most fragile subjects, such as the preparation of a center within a sports facility, the alerting of some structures for minors for similar purposes, as well as having provided a one-off contribution, for the launch of personalized paths leading to more definitive solutions.

44. On this affair the Undersecretary of State Carlo Sibilia responded in the Chamber of Deputies on May 31st. to the urgent interpellation n. 2 -00395 of the Honorable Doriana Sarli, detailing the information mentioned above, describing the measures to protect the situations of fragility proposed and / or adopted both before and after the eviction.

45. These measures were then placed at the basis of the decision to revoke the injunction of suspension of the eviction, adopted by the European Court of Human Rights on 4 June 2019 and referred to above.

46. It is also worth quoting the special "*Purpose Office*" established in 2017 by the Municipality of Rome and called the "*Roma, Sinti and Caminanti Special Office*" reporting directly to the Mayor which is assigned the following objective: strategic coordination and implementation of the interventions of the "*Policy Plan of Rome Capital for the inclusion of the Roma, Sinti and Caminanti (RSC) populations*", as well

as all the activities, also of an interdisciplinary nature, in any case connected and functional to the pursuit of the objectives of social inclusion of these populations.

47. Such measures demonstrate the fact that, even where there are greater difficulties in implementing the inclusion strategy, ie in large cities, instruments have always been identified that facilitate the overcoming of the adversities in question.

48. Furthermore, in 2016 the Municipality of Rome approved the *“Inclusion City Table”* in which the *“Table for school inclusion and health of RSC”* is inserted together with the Local Health Authorities Rm1, RM2, RM3 and the National Institute for the Promotion of the Health of Migrants and the Fight against Poverty Diseases with the Purpose of Social and Health Prevention, which enabled the realization of an important vaccination campaign.

49. It is useful to underline that half of the RSC population has Italian citizenship, that is, it has the possibility to avail itself by virtue of article 1 par. 1 letter b) of law 91/1992, for people born in Italy to unknown or stateless parents, or that do not follow the citizenship of the parents according to the law of the State to which they belong, or of art.9 par. 1 letter e) of the aforementioned law in the case of stateless persons residing legally for at least five years in the Italian territory.

50. With regard to stateless persons to whom the aforementioned rules cannot be applied, it is important to stress that the problem of their legitimacy stands to the attention of the Italian State.

51. Until 2015 the institutional table for the recognition of the legal status, the so/called Apolidi table, operate, set up at the Ministry of the Interior in 2012 with the participation of the central administrations concerned, of the UNHCR and the involvement of representatives of the Roma Communities and sector NGOs.

52. Its work was suspended due both to the lack of reliable numerical data on the people affected by the phenomenon, and in consideration of the difficulties caused by the lack of a registered residence for many of these people. The hypothesis of its reactivation is currently under consideration.

2.1) In particular, the situation of the municipality of Milan

53. In the complaint it is claimed that one of the municipalities in which the violations of art. 31 and letter E) of the Charter are to be found is that of Milan. The assumption is false, and is challenged.

54. First and foremost it should be pointed out that the decision to carry out the evacuation of the nomad camp in via Idro was considered legitimate as decision on interim measure by the Lombardy Administrative Regional Tribunal n. 169472015, confirmed by the decision on interim measure 724/2016 of the Council of State, on the basis of:

- a. prior consultation of the persons concerned;
- b. identification of alternative solutions better than the current one, in which optimum hygienic and sanitary conditions were not guaranteed;
- c. the existence of precarious hygienic-sanitary conditions.

55. In particular, Administrative Regional Tribunal ordinance states that

“the measures taken by the municipal administration were determined by the ascertained situation of Via Idro camp, which presented numerous critical points from the point of view of sanitation, hydrogeological risk and social alarm; - the Administration proposed housing solutions both immediately and in a medium-long term perspective, allowing interested parties to choose the accommodation among those made available; - to the applicants (...) an immediate lodging is still guaranteed, against the precarious situation of the Via Idro camp, which does not allow their further stay, for the safety and security of the residents themselves”.

56. This confirms that the clearing decisions were taken to protect the occupants themselves, as well as public safety, after identifying alternative solutions and with a dialogue that preceded the adoption of the decision itself.

57. At present, the fields authorized by the Municipality of Milan are five and are located in the following areas:

- I. Via Bonfadini, 39
- II. Via Chiesa Rossa, 351
- III. Via Negrotto, 23
- IV. Villaggio Martirano - Via Martirano, 71
- V. Via P. Impastato, 7.

58. All the camps are equipped with the best comforts, that is to say networks of underground utilities (water and electricity), a position on regular grounds where to place mobile houses (without masonry foundations) which are equipped and of good quality and also fire extinguishers that are periodically delivered and verified to ensure fire safety.

59. In addition to this, periodic operations of deratization, deblattization, drainage of the sewerage network are carried out and the greenery is maintained with periodic pruning of the trees and the waste collection service by AMSA is active.

60. As far as education is concerned, Social Policies guarantee a socio-educational presence with weekly visits to the settlements.

61. The educators meet the families and accompany them to the network of territorial social assistance services. They organize activities with children and adolescents to promote inclusion and academic success.

62. They facilitate access to CELAV, the service of the Municipality of Milan of work orientation for vulnerable sections of the population. They work to offer housing opportunities: support for the demand for public housing or other solutions (auction purchase; public housing of other organizations, etc.).

63. In addition, there are other residential reception facilities, namely the Reception Center on Via Novara, for 110 seats, the Centers for Autonomous Housing (CAA) in Via Marotta and Via Brambilla, for about 80 seats, as well as apartments and collective structures for about 40 additional seats.

64. The structures are managed by Third Sector Organizations that continuously monitor the reception areas.

65. There are not only RSC nuclei, but also families with other ethnic origins and of other nationalities in conditions of housing fragility and social vulnerability.

66. The interventions carried out to promote the social inclusion of the Roma, Sinti and Caminanti families are based on the following principles:

- a.** constructive, pragmatic and non-discriminatory policies;
- b.** targeted, explicit but not exclusive approach;
- c.** intercultural approach;

- d.** general integration;
- e.** awareness of the gender dimension;
- f.** disclosure of policies based on proven data;
- g.** use of community instruments;
- h.** involvement of civil society;
- i.** active participation of Roma, Sinti and Caminanti communities;
- l.** involvement of several institutional subjects: Lombardy Region; Local Authorities (Social Policies, Education and Training , Home, Work, Safety), Police Headquarters, Prefecture, ATS Metropolitan City and ASST, Provincial School Office.

67. The interventions, in accordance with these principles, concentrate:

- a. on education**, to increase the quantity and quality of educational opportunities and the number of RSC students enrolled in schools of all levels, favoring their attendance, academic success and complete education.
- b. on work**, promoting professional training and access to work for men and women of RSC origin.
- c. on health**, to improve access to social and health services available in the territories by implementing medical health prevention, with particular reference to the most vulnerable sections of the Roma and Sinti population (women and minors with particular attention to reproductive health and systems of contraception).
- d. on housing**, to increase access to a wide range of housing solutions for RSC, from a participatory perspective of definitive overcoming of emergency logics and large mono-ethnic settlements and in respect of local opportunities, family unity and a strategy based on fair dislocation.
- e. on legality**, in order to promote a culture of legality and behavior oriented towards compliance with the law aimed also at the care of the living environment and the common parts of the field.

68. In order to accompany families towards paths of autonomy and social inclusion, RSC families are provided with information, advice, guidance to the local territorial social services and local health services.

69. In addition, RSC families are assisted in finding work with career guidance help, activation of work grants and internships by municipal services and Employment Centers.

70. Assistance and support for families is then guaranteed through forms of financial education that allow camp guests and assistance facilities to deal with the complexity of living outside the camp and to manage an economic budget.

71. In addition to this, housing autonomy courses are promoted.

72. The assignments of public housing (ERP), now (SAP), are carried out on the basis of Regional Law n. 16/2016 and subsequent amendments and integration regulation 4/2017 and subsequent amendments.

73. In the aforementioned regulatory provisions there is no reference to the ethnicity of citizens who apply for access to SAP but only to access and score requirements due to the economic situation of the household, to the composition, to the place of residence and / or work and to the title that justifies the regular presence on the national territory in case of foreigners.

74. Ergo, no discrimination is inflicted on Roma subjects.

75. In addition to SAP properties, the municipal administration owns further houses that it manages to provide answers to other types of housing emergency whose management is not subject to regional laws but to municipal measures.

76. Also in this last case there is no distinction of race, ethnicity or nationality but the simple evaluation of economic-patrimonial requirements, residence and regularity to stay in the national territory, in case of foreigners.

77. The Municipality accompanies families in the education of minors, through literacy, vocational training, school placement and creative play activities, among others, and again:

- training and awareness actions on the issues of legality, respect for rules, civic education and active citizenship (for example: a day of reflection on organized crime);
- homework space for minors with the support of external volunteers and / or attendance of external after-school programs organized and managed by local bodies (speakers, Youth Aggregation Centers);

- theme trips with teenagers, recreational outings with groups of women and children;
- parties on special occasions;
- animation for children organized by groups of scout boys;
- workshops for adolescents aimed at getting to know the area and improving the place where they live;
- group meetings between families that share the same spaces, mediated by operators, organized to stimulate confrontation and dialogue as tools for resolving conflicts due to cohabitation;
- meetings for adolescents on the subject of gambling, affectivity / sexuality and in general on the difficulties of growth;
- individual interviews with some teenagers to motivate them in their personal growth paths and to monitor school performance.

78. The educational interventions and social assistance support aimed at inclusion and social integration are implemented by a multidisciplinary team composed of educators, social assistants, counselors and social-assistance operators.

79. Furthermore, attention is paid to the gender perspective, through:

- meetings with small groups of women on the issues of female psycho-physical well-being and on the responsible management of births;
- Italian language lessons for women with the support of external volunteers;
- informal moments of chat and tea with small groups of women;
- fact-finding outings in local nursery schools with mothers of children to be enrolled in the nursery or nursery school;
- elaboration of personalized work paths, especially for women.

80. The Municipality of Milan guarantees that ordinary maintenance of the camps and residential reception facilities are ensured, as well as paying attention to safety and legality, constantly collaborating with the Public Security.

81. The target of the interventions is represented by households in conditions of difficulty and social fragility, temporary housing problems or by those who decide to

leave the fields authorized by the Municipal Administration and to choose new ways of living in the city.

82. The mixed team, composed of municipal employees and qualified operators from the Third Sector, is in charge of directing the entire system.

83. The Municipality of Milan, through the Social Policies Department, is implementing the "National Project for the inclusion and integration of Roma, Sinti and Caminanti girls and boys" promoted by the Ministry of Labor and Social Policies.

84. The project is part of the "Inclusion" PON which provides for actions to support the objective of "Reducing extreme marginality and inclusion interventions in favour of homeless people and RSC populations" and in particular for the action which aims at contrasting early school leaving and at developing schooling and pre-schooling.

85. Furthermore, the project results in the implementation of the National Strategy for inclusion of Roma, Sinti and Caminanti populations 2012-2020 and of the third National Action and Intervention Plan for the protection of the rights and the growth of subjects in the age of development.

86. The project focuses on improving the living conditions of the RSC populations and will develop in two directions:

87. a series of interventions and activities in two scholastic institutes (Cadorna and Pareto), in classes attended by RSC minors, with activities that involve both pupils and teachers;

88. interventions on the territory of origin of the RSC units, therefore characterized by work with families, with the territory to which they belong, with the community that insists on that territory and with the services of reference.

89. The project proposes the following objectives:

- a.** improve the quality of school integration and educational success of minors - RSC and non - of the classes included in the project;
- b.** favour access to the services of the territory of the RSC minors and their families;
- c.** create sustainable multi-sectoral and multi-level territorial governance;

d. establish a network of collaboration between the cities participating in the project.

90. Moreover the services offered by the project, are:

- offer training courses according to the methodology of cooperative learning and learning by doing for teachers of the classes participating in the project and for other school personnel (educators, support teachers, instrumental function referents and others);
- accompany and support the application of the cooperative learning methodology within the didactic path developed by the teachers in the classes involved in the project, through the support of an adequately trained operator;
- organize the workshop paths to be started in schools, working in close collaboration with school referents and with the representatives of the administration project;
- guide and, where necessary, accompany RSC families and minors in accessing local services;
- support and accompany the families of the RSC children in the relationship with the educational institution;
- organize after-school activities for the children of the project classes, in continuity with the educational path of the school;
- participate in the Local Monitoring Tables of the project at local level and in the Multidisciplinary Team for the management of project activities;
- participate in national training organized annually by the Istituto degli Innocenti in Florence;
- provide reporting and updating of the national project web platform;
- work in close contact with the municipal project referents with whom the modalities of all the planned activities and the choice of the professionals in charge of the training and management of the laboratories must be evaluated and agreed on.

91. Finally, the Municipality of Milan is engaged in the development and implementation of the Local Action Plan in collaboration with the territorial realities and with UNAR.

2.2) Focus on the initiatives adopted by the Municipality of Naples

92. The Municipality of Naples was also the protagonist of various actions aimed at including Roma in the Italian social fabric, in particular thanks to the Integration Policies and New Roma, Sinti and Cominanti Citizenship Service. On the 18 and 19 January 2017, in collaboration with units of the Local Police, the aforementioned Service intervened in two settlements in via Brece S.Erasmo, no. 106 and 123, to carry out a survey of family units and monitor the presence of minors and situations of particular social and health fragility.

93. From 27th to 31st March 2017, they were invited to attend in-depth interviews on their social and health situations and in particular on the regularity of their children's school attendance.

94. This last check was necessary as the access of the nuclei to the temporary reception center of Via del Riposo and to the Deledda center is subject to the regular attendance of the state schools of the Roma minors as well as to their insertion in the planning of inclusion.

95. On 6 and 7 April 2017, by selecting the groups based on the above criteria, those that were suitable were included and accepted in the municipal centers allocated in Via del Riposo (27 households) and the municipal center Deledda (70 people).

96. On 10 November 2017, another 6 units were added in the center in Via del Riposo, since 6 housing units were added.

97. In the two centers mentioned above, the Service carries out activities of integration and school inclusion of Roma, Sinti and Caminanti minors, a project carried out in collaboration with MIUR, as well as school transport for Roma pupils from Poggioreale, the [E.co](#) Project (condominium experience) , social housing for Roma families, together with the ALI (living, working, inclusion) Roma Service Project - in the start-up phase.

98. In light of the above, it is clear that the two reception centers in Via del Riposo and Deledda are in continuous activity in order to guarantee the exercise of citizenship

rights and the right to study for Roma children through the implementation of projects, as well as reports aimed at the integration of foreign Roma families received there.

99. In particular, these projects focus on the education of minors, access to the labor market for adults, as well as to public and private homes.

2. 3) Public housing in Rome: the three-year plan of Rome ATER 2019-2021

100. Also in Rome the housing need is faced in the dual perspective, planning and action.

101. Particularly remarkable is the three-year 2019-2021 Rome plan, which includes 708 new accommodations in three years, to be implemented with the recovery of unfinished structures or urban skeletons, with a total expenditure of 68.1 million, all resources of the Lazio Region.

102. The plan involves many districts where buildings sustainable from an environmental and social point of view will arise: from Laurentino 38 to Corviale, Tiburtino III, Quarticciolo, Ponte di Nona, Ostia, Cesano, Tor Vergata and Primavalle where the first 18 apartments of via Pietro Bembo have already been inaugurate.

103. The expansion of the offer of housing, together with the current presence of inclusive and non-discriminatory criteria for the allocation, which enhance the situations of serious housing problems and “homelessness”, demonstrates a remarkable evolution towards the goal of 'attribution to all subjects, especially the most vulnerable, of sufficient housing.

3. The relevant legislation

104. By decree of the President of the Council of Ministers of 21 May 2008, issued pursuant to art. 5 of the law of 24 February 1992, no. 225, a state of emergency was declared in the territory of the Regions of Lombardy, Lazio and Campania in relation to the existence of nomadic communities in their respective territories.

105. By three presidential ordinances adopted on May 30, 2008 (nos. 3676, 3677 and 3678), urgent provisions were issued to deal with the aforementioned emergency, with

the simultaneous appointment of as many Extraordinary Commissioners appointed for this purpose.

106. The aforementioned deeds were challenged in the courts together with the implied and connected deeds as well as the consequential ones, in particular the "*Guidelines*" for the implementation of the presidential ordinances issued by the Ministry of the Interior and the Regulations adopted by the Delegate Commissioners in Lombardy and Lazio regions for the management of the areas destined to the nomads and their "*equipped villages*".

107. By sentence n. 6050 of 2010, on the assumption of the lack of demonstration of the existence of a state of emergency and of a causal relationship between the nomadic settlements and the prejudice to public order, the Council of State declared the illegitimacy of these acts for lack of the conditions for the activation of the derogatory and emergency powers pursuant to art. 5 of law no. 225 of 1992.

108. The Council of State, however, ruled out the discriminatory nature of the measures, which in any case could not derogate from the general principles of the law (art. 5, paragraph 2, of law 225 of 1992). Moreover, they do not bear any reference to ethnicity; indeed, the Guidelines adopted stated that "*the operations delegated to the Commissioners should not concern specific groups, subjects or ethnic groups*", so as to "*exclude effects that can be considered directly or indirectly discriminatory*".

109. Therefore the implementation of the measures did not lead to a violation of the guarantee system established by art. 3, paragraph 1, letter h), of Directive 2000/43 / EC, as implemented by the legislative decree 9 July 2003, n. 215; in this regard, despite the reported negative definition, on 5 January 2016, of Pilot 3945/12 / Just, an infringement procedure was not initiated.

110. The enforceability of sentence 6050/2010 was then partially suspended by order n. 1760 of 2012 of the Council of State, following the appeal at Court of Cassation by the Ministry of the Interior (rejected on the merits), in order to allow the delegated commissioners to complete the ongoing operations, without being allowed to start new activities.

111. Article 3, paragraph 3, of the law decree 15 May 2012, n. 59 established that the sums not yet committed by the emergency commissioners on the date of notification of the sentence of the Council of State n. 6050 of 2010 must be paid to the State budget in order to be reassigned to the pertaining chapter of the estimate budget of the Ministry of the Interior.

112. Following the communication of the European Commission n. 173 of 2011, a “*National Strategy for the inclusion of Roma, Sinti and Caminanti*” was adopted, with a view to definitively overcoming the emergency phase, and in particular regarding “nomad camps” in favor of new housing solutions.

113. The objective of the Strategy is

“to promote equitable treatment and economic and social inclusion of the RSC communities, ensuring a lasting and sustainable improvement of their living conditions ... as well as their participation in social development, also ensuring the enjoyment of rights relating to citizenship as provided for in the Italian constitution and international standards”.

114. The Strategy includes national Tables (later held, also on a regional basis), of an inter-ministerial nature and based on the principle of participation, to analyze needs and direct sector policies.

115. The European Commission has approved the Strategy.

116. Finally, the art. 11 of the law decree 14 of 2017, converted into law 48/2017, adopted in the context of the reconciliation of housing needs and public order and security ones, with the necessary protection of the most fragile people has provided that, in order to ensure the intervention of the public force for the execution of the eviction measures, the prefect identifies a priority scale that takes into account the *“protection of families in situations of economic and social hardship”.*

117. Hence the need - envisaged in the circular of the Ministry of the Interior of 1 September 2017 - to carry out a census aimed at the possible identification of the occupants and the composition of the households, *“with particular regard to the presence within them of minors or of other persons in fragile conditions”*, using the registers of the registry office, of other administrations and social services, in a perspective of protection of vulnerable people.

118. This requirement was then confirmed by the circular of 1 September 2018 of the Ministry of the Interior, which highlights:

- a. the possibility that the right of property terminates *“in the face of those situations that may jeopardize the exercise by the occupants of the compelling and indispensable primary needs for their existence, linked to a particular condition of vulnerability”*;
- b. the warning to the authorities in charge to provide - in the phase following the eviction - to identify the solutions that can allow to identify the paths of social inclusion of people in situations of fragility, also within all intervention strategies shared with the Regions.

119. Finally, the directive of 15 July 2019 of the Ministry of the Interior, which ordered a census of people living in "spontaneous" settlements is worth noting. Its intent is;

- to facilitate the identification of support interventions in consideration of the presence of subjects in vulnerable conditions (at the same time activating positive dynamics of relocation of the interested parties);
- to verify the conditions of regularity, entry and stay on the national territory of any foreigners present in the settlements, evaluating the individual situations from the point of view of the provisions of the Consolidated Immigration Act.

120. The declared objective of the directive is to define shared strategies, also involving the interested associations and non-institutional interlocutors, aimed at overcoming the individually identified deterioration situations and the restoration of the conditions of legality, in case of any illegitimacy found, case by case , even in authorized facilities.

121. A provincial planning is envisaged - if necessary through the stipulation of specific protocols and the establishment of *"Control Rooms"* with representatives of the Regions and local bodies concerned - to allow the progressive evacuation of areas illegally occupied through execution of demolition orders and removal of illegal works (caravans and mobile homes hinged on the ground), but with the simultaneous activation of positive dynamics of relocation of the interested parties.

122. In other words, the current action of the Administrations is based on the protection of vulnerable people and the identification of alternative housing situations, after identifying alternative situations that are outside the air of illegality.

123. In the decree law 53/2019 regarding security, no measures have been adopted on the subject of illegal housing occupations, and this circumstance, together with the end of the “*government contract*” for the modification of the government set up that is taking place precisely in these days in Italy, the concerns expressed in the adverse claim regarding the worsening of the Government's response towards the nomads, and in particular the Roma, Sinti and Camminanti, are less meaningful.

3) Alleged violation of art. 31, commitment no. 1, read alone or in conjunction with letter E (non-discrimination); the existence of a joint violation of the commitments pursuant to art. 31, numbers 1) and 2)

124. In the opposing collective complaint Amnesty International complains primarily about the violation by the Italian State of art. 31, commitment no. 1. By virtue of this provision, the parties undertake "to promote access to housing of an adequate standard". The stated purpose of the rule is to facilitate the effective exercise of the right to housing. Letter E then states that “*a difference in treatment based on objective and reasonable grounds is not considered discriminatory*”.

125. According to Amnesty, the Italian State does not guarantee the relevant standards developed by CESR to consider an accommodation adequate, i.e. the legal security of the possession, the availability of services, accessibility, habitability, location and cultural adequacy. Amnesty then complains about the lack of activation of inclusion strategies, and indeed envisages the existence of forms of segregation.

126. The assumption has already been widely contested in the factual part: it should be clarified that it is not correct to speak of forced evictions, but rather of relocation interventions adopted due to the need to eliminate situations of degradation and illegality that often occur in particular in illegal settlements, with the aim of guaranteeing living conditions in urban contexts.

127. See the factual part for the identification of common measures adopted by municipalities in order to allow access to adequate housing, together with the activation of social inclusion paths thanks also to the intervention of UNAR.

128. Moreover, even the circulars of 1 September 2017, of 1 September 2018 and the directive of 15 July 2019 move in the direction of restoring legality in order to eliminate temporary, precarious housing situations, without adequate sanitary conditions.

129. Certainly it is a process, which is pursued on a dual level, operations and planning (strategies, tables, synergies between different administrations and representatives of the categories concerned). The existence of a process in progress, therefore, is not nullified by isolated episodes, such as the one of Via Salone in Rome, which if anything testify to the relevance and importance of the path undertaken.

130. Moreover, the same administrative jurisprudence, which stigmatized the 2008 emergency plan due to the lack of proof of the emergency itself, has instead considered the legitimacy, on a summary examination, of the provision for clearing Via Idro in Milan, precisely because of the deficit in housing conditions, especially when compared with the alternative solutions offered by the Municipality itself.

131. However, the path is made even more uncertain by the exponents of the same communities, often reluctant to move towards better housing solutions in terms of quality but still different from the situation of origin, as evidenced by the very proposition of the appeal to the Lombardy Regional Administrative Court and of the appeal to the Council of State.

132. It is therefore clear that the housing standards established at European level, and known to the Italian Government, have in some cases been guaranteed (through cottages, social housing and *similia*; see part in fact), in other cases they are objectives kept in mind and which pass through the necessary clearing of camps in situations of illegality, as required by the circulars of September 1, 2017 and September 1, 2018 of the Ministry of the Interior, with a view to reconciling public security and adequate housing standards.

133. Moreover, art. 4 of the legislative decree 14/2017, in defining "*urban security*", includes "*the elimination of factors of marginalization and social exclusion*", and therefore is certainly not based on the creation of censored situations of segregation.

134. Moreover, the options endorsed by the Regions in recent years have expressed inclusive strategies, which go beyond the logic of the fields to embrace flexible personalized models of actions, able to offer integrated solutions to housing needs, in a transversal logic that includes also aspects such as education, work and integration.

135. It is the case, to cite some examples from Lazio Region, of the experimental housing insertion project called "*A city of houses*" and of the project "*Rieti welcomes*".

136. Lombardy Region has already been cited for the existence of projects, either completed or nearing completion, to overcome the logic of the camps and to regularize and bring the existing villages up to standard, as well as, in an evolutionary perspective, to support the rent or purchase of the house, or for the assignment of public or private dwellings, owned by the regional public housing company and the municipality of Milan.

137. It is also clear that the existence of a process still in progress must be measured against the structural problem of a serious housing crisis.

138. Hence the further complaint, contained in the opposing claim, according to which the violation of the commitment pursuant to art. 31, n. 1, is also manifested in relation to the discrimination perpetrated against Roma, Sinti and Caminanti families who are supposed to be discriminated in accessing adequate housing.

139. Actually the criteria for access to social housing vary from region to region, and often take into account the situations in which people live (shacks, stables, caves, caravans and simple structures without services considered essential) thus giving priority to these vulnerable situations by additional scores.

140. The vulnerability aspect was furthermore examined by the Committee in *Cohre v. Italy* decision, which charged Italy with the violation of art. 31 precisely because of the lack of consideration of the most vulnerable people.

141. As highlighted, the subsequent legislation has enhanced this aspect, underlined by the circulars of the Ministry of the Interior, which attribute maximum importance

to situations of vulnerability both in the phase of eviction from illegal housing and in the allocation of alternative, more comfortable housing solutions².

142. However, it remains indisputable that the stigmatized lack of social housing, also due to the current economic crisis, affects their quality standards and the percentage of people who manage to access them, regardless of ethnicity.

143. In this perspective it is necessary to read together the commitment contained in n. 1 and in n.2 of art. 31, which provides for the responsibility of the Member States in the prevention and gradual elimination of the status of "*homeless*".

144. In other words, the commitment referred to in n. 2 is the presupposition, it is the first phase of a gradual process towards the assignment of a lodging, which rightly must not be of any kind but must present the pre-established characteristics of accessibility and livability.

145. So if the elimination of the "homeless" is the result of a process, as suggested by the adverb "gradual", the provision cannot be resolved only in the affirmation of a principle but also in an operative rule.

146. In this sense it is worth recalling the assessment of the follow up, in *ERRC v. Italy* case, which has enhanced the existence of progress by the National Strategy for the Inclusion of Rome, Sinti and Camminanti for 2012-2020, even if it has then considered that it was obtained in an unreasonable time (10 years); the Italian Government trusts in the enhancement of the further steps forward towards the full affirmation of the commitments undertaken with the Charter, the implementation of which is inscribed therein in a gradual path.

147. Moreover, the legislation does not and could not discriminate, among the various ethnic groups of "homeless", because it would be charged with illegitimacy for violation of equality under Article 3 of the Constitution, so that, even in this respect, the proposed discrimination is resolved in a petition of principle.

148. Moreover, sentence 6050/2010 of the Council of State also excluded the existence of a discrimination, pursuant to art. 3 of the Statute of the Council of Europe, of the UN Convention of New York of 7 March 1996, of art. 14 of the ECHR, of art. 6

² See Conclusions 2017 about violation of the Article 31 by Andorra.

of the Treaty on European Union, of art. 21 of the Charter on Fundamental Rights of the European Union and of art. 3 of Directive 2000/43 / EC due to two fundamental aspects:

a) the declaration of emergency was not in itself aimed at achieving a "ghettoization" of the Roma populations residing in the Regions concerned, but had the primary objective of remedying an effective real "*situation of social alarm*" (except what was said in relation to the lack of proof of the actual existence of this situation and its extraordinary nature);

b) the measures adopted (...) actually extended in general to all the subjects residing in the nomad camps and even to subjects strangers to them (think of the regulatory provisions canceled by the TAR in order to identify who went to visit the fields).

149. And if the highest body of administrative justice has ruled out the existence of discrimination even in the face of administrative acts deemed illegitimate, and belonging to the first phase of the course, in which the need for public order prevailed over that of housing rights of interested persons, a fortiori it can be excluded that it is present now, in this new phase characterized by inclusion, by the maximum attention to situations of vulnerability, by dialogue with the modalities described above with particular regard to the Roma, Sinti and Caminanti.

150. Finally, an observation is necessary in terms of reconciling principles. The right to housing is a fundamental right, of a social nature, which today evolves and becomes the right to an "adequate" home, which respects quality standards. However, this right cannot be considered supreme and absolute, especially in the aforementioned broad extension, but it is to be set against other rights, at least of equal importance.

151. In this sense the provision of art. 8 of the ECHR, referred to by Amnesty international in support of its defense has to be focused on; indeed, this provision provides that the right to respect for domicile may be subjected to a limit where this is necessary "*for national security, public security, the economic well-being of the country, the defense order and the prevention of crimes, the protection of health or morals, or the protection of the rights and freedom of others*".

152. Moreover, the decision of the ECHR to revoke the interim measure of suspension of the evacuation has already been evaluated, with reference to the Municipality of San Giuliano.

153. From this point of view it is also necessary to highlight that the measures concerning social housing are adopted by administrative measures, which can be challenged before the administrative judge (as happened in the case of the evacuation of via Idro camp in Milan) and in compliance with the law (art. 2 of the law 255/1992 and art 11 of dl 14/2017): also in this respect the jurisprudence of the ECHR³ seems to be respected.

154. To sum up, from a joint reading of the commitments referred to in nos. 1 and 2 of art. 31, together with the prohibition of discrimination referred to in letter E, there emerges that:

- a.** the commitment of the States to prevent and gradually eliminate the problem of the "homeless" exists;
- b.** the elimination of the homeless occurs by guaranteeing them an "adequate" home, just as the prevention of the phenomenon requires their consideration already in the allocation of housing;
- c.** an adequate dwelling must be accessible, livable, equipped with services, respecting the necessary hygienic-sanitary conditions;
- d.** the right to housing in the international system is a social right, which has to be reconciled when it is necessary for the protection, inter alia, of public security, order, the prevention of crimes and the protection of rights and freedom of others;
- e.** the provisions concerning housing can be challenged by the interested parties and by the associations representing the category interests before the administrative judge;
- f.** the existence of any discrimination can be reported pursuant to multiple internal regulations, including Articles 43 and 44 of Legislative Decree 286 of 1998, Articles 4, 4 bis and 5 of Legislative Decree n. 215 of 2003 which implemented directive 78/2000.

³ Decision of the 27th March 2018, complaint no. 57278/2011, Brazzi C Italia.

4) Alleged violation of art. 31, commitment no. 3, read alone or in conjunction with letter E (non-discrimination)

155. Amnesty also complains about the violation of art. 31, commitment no. 3, of the European Social Charter by the Italian State. Under this rule, *“To guarantee the right exercise to housing, the Parties will take measures designed to make the price of housing accessible to people without adequate resources”*.

156. According to Amnesty, the violation of the Italian State results in discrimination against Roma, Sinti and Caminanti in their access to social housing, and in particular in the fact that the scores adopted by Municipalities and regions to identify the beneficiaries of such dwellings attribute relevance to previous evictions for back rents or to registered residence or a previous employment.

157. According to the applicant organization, this leads to indirect discrimination of nomadic populations, which are difficult to find in the aforementioned conditions.

158. The assumption is unfounded: the discretion of the bodies in identifying the criteria has been resolved frequently, precisely in the Lombardy region assumed as an example of the pre-established discrimination, in the allocation of social housing and cottages to the Roma, Sinti and Caminanti , to whom a high score was recognized in view of their vulnerability situation.

159. It is then evident that if some of the criteria can - in fact - benefit the citizens, others benefit the nomads, so that the lack of uniformity does not necessarily translate into discrimination.

160. At the source, a large part of the RSC population is an Italian citizen or has the possibility of using art. 1, paragraph 1, letter b) of Law no. 91/1992, for people born in Italy to parents who are unknown or stateless, or who do not follow the citizenship of their parents according to the law of the State to which they belong, or of article 9 paragraph 1, letter e) of the aforementioned law if these are stateless persons who have resided legally for at least 5 years in the Italian territory.

161. Moreover, within the verification of compliance with the commitment in art. 31, n. 3 it is necessary to enhance the commitment of UNAR and the establishment of the

national Roma, Sinti and Camminanti Platform in 2017, which serves precisely to bring out critical situations in access to housing, and therefore to social housing, in order to overcome them.

162. Moreover, the protection of vulnerable persons is one of the objectives of the law decree 14/2017, converted into law 48/2017, as interpreted also by the circulars of September 1, 2017 and September 1, 2018 of the Ministry of the Interior, and at the source in the right to substantial equality, enshrined in art. 3, paragraph 2, of the Constitution for “everybody”.

163. With these indications the administrative activity must comply, and a violation of the law can be censored both before the administrative judge and with the special remedies to protect the victims of discrimination indicated in the previous paragraph.

164. And indeed it has conformed.

165. As an example, it is worth mentioning what happens in the municipality of Rome according to data that result from the same institutional site. The following indexes are taken into account: severe housing difficulties, homelessness, assistance of social services, disabled in the family unit, over 65, three or more dependent children, young couples and single-parent families, overcrowding, more households within the same accommodation, evictions for reasons of public utility, executive eviction only for back rents or end of lease or following a separation sentence with obligation to abandon housing.

166. The resolution also establishes priorities in the event of equal scores.

167. The order of importance of these criteria is: **1.** lowest income; **2.** number of members with disabilities; **3.** percentage of disability; **4.** greater number of dependent minors **5.** greater number of family members; **6.** greater number of elderly; **7.** length of residence in Rome.

168. It is then evident that the preferential criteria facilitate the most vulnerable people, as well as those with a tie, except for the seventh, which concerns the length of residence in Rome.

169. Moreover, even in the assessment of evictions, not only those for back rents are taken into account, which indeed are subordinated to those implemented for reasons of public utility.

170. The example is significant both for the extension of the application, and because the Municipality of Rome, together with those of Naples and Milan, is the one most responsible for the alleged claim of the alleged discrimination, which on the other hand does not exist. The maximum consideration of situations of fragility is indeed confirmed.

171. Certainly, it is a process and the Italian State must not consider the objective achieved because this could divert the important human, economic, working resources used to achieve it and the important efforts towards improving housing conditions.

172. Also in the other Municipalities the criterion of low income is among the most important in terms of relevance and is an impediment to attribution where it exceeds certain clearly very low thresholds.

173. Moreover, the commitment is aimed at adopting the necessary measures in view of the objective of making the home accessible to those who do not have sufficient resources. The commitment cannot coincide with the objective, which depends on factors that are not all fully controllable by the Italian state (incoming migration flows, economic crisis and endemic housing shortage, and the like) together with the need to preserve family units which are often numerous.

174. The generic nature of the objection contained in this regard in the opposing appeal is also appreciated in the requested measures, which do not identify targeted interventions but merely require “*to ensure effective access to social housing and other housing benefits to everyone, including Roma, without discrimination*”.

175. To sum up, the violation of the commitment to make the cost of housing accessible to people who do not have sufficient resources, especially for the Municipality of Rome, but also for others in which the income situation of the aspirant is maximally considered, does not really exist, nor is there alleged discrimination against RSC population.

* * *

CONCLUSIONS

176. In light of the present observations, the Italian Government requests the Committee to dismiss the case by declaring the Complaint unfounded, pursuant to the Additional Protocol of 1995 for a system of collective complaints.

Attached documents:

- 1) Decision no. 6050 of 16th November 2011 of the Council of State;
- 2) Decision no. 1694 of 18th December 2015 of the Regional Administrative Court of Lombardy;
- 3) Decision no. 724 of 3rd March 2016 of the Council of State;
- 4) Decision on interim measure of 17th May 2019 of the European Court of Human Rights;
- 5) decision to revoke the interim measure of 4th May 2019 of the European Court of Human Rights;
- 6) “Ulterieures Informations du Gouvernement Italien”, complaint n. 25838/2019, P.H. et autres c. Italie, filed with the European Court of Human Rights and attached documents;
- 7) relocation table of people living in via Idro- Milan;
- 8) Roma Today newspaper article;
- 9) general notice competition for the leasing of public housing units located in the Rome area.

Rome, 6th September 2019

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