



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

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Amnesty International v. Italy
Complaint No. 178/2019

**RESPONSE BY AMNESTY INTERNATIONAL TO THE
GOVERNMENT'S SUBMISSIONS ON THE MERITS**

Registered at the Secretariat on 13 December 2019

European Committee of Social Rights

**Amnesty International v. Italy
Complaint no. 178/2019**

**Written response of Amnesty International to
the Observations of the Italian Government on the merits of the
Collective Complaint**

13 December 2019

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I. Introduction

1. By its letter of 18 September 2019, the European Committee of Social Rights (“the European Committee”) provided the Complainant organisation (“Amnesty International”) with the Written Observations of the Italian Government (“Government’s Observations”) on the merits of Complaint No. 178/2019 (“the Collective Complaint”) and invited Amnesty International to submit a written response in reply by 15 November 2019. Amnesty International requested and was granted an extension to respond by 13 December 2019. Amnesty International has reviewed the Government’s Observations and respectfully submits its comments in response.
2. In its response, Amnesty International addresses the merits of the Collective Complaint only to the extent that they need to be clarified, refined or expanded upon in light of the Government’s Observations. They have otherwise been set out in the Collective Complaint, and this response should be read in conjunction with it. Amnesty International does not address all the issues raised by the Government because it considers that either they have been adequately addressed in the Collective Complaint and/or they are not relevant to the allegations raised within it. Therefore, Amnesty International respectfully requests the European Committee of Social Rights (the “Committee”) not to interpret its silence on any of these issues as agreement with the Government’s position.

II. General remarks

(a) No reference to relevant human rights standards

3. The Government’s Observations make no reference to relevant human rights standards beyond the Charter, including the legal obligation of Italy under the respective international human rights treaties it has ratified, as set out in the original complaint. This includes with respect to forced evictions (see para 34 below).

(b) Use of pejorative and stereotypical language

4. The Government’s Observations use the pejorative stereotypical term “nomad” with respect to the Roma a total of nine times (not counting references to the Genoa/Padua project entitled “From the nomad camp to

the house”).¹ This is despite the fact that the use of such term is both factually incorrect and discriminatory (see para 30 below).

5. In a similar vein, the Government’s Observations distinguish between “citizens” and “nomads” as different groups, even while acknowledging “a large part of the RSC population is an Italian Citizen.”²
6. The Government’s Observations also seek to portray the Roma as a threat to public security without providing any evidence for this general assertion.³

(c) Shifting the blame to the victims

7. The Government’s Observations seek to shift the blame for the Roma’s condition on to the community themselves as evidenced by the following observation: “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.”⁴ Such a response does not reflect the reality that in many cases the affected Roma community are not genuinely consulted as part of a participatory process with respect to the authorities’ proposed alternative housing solutions on the basis of their needs and prior to their forcible evictions. Furthermore, Roma inhabitants are sometimes threatened and harassed to leave the location before the actual eviction or told that there will be no alternatives for all (see for example details in para 167-168, 171 and 174 in the Collective Complaint).

(d) Admissions by the Government

8. Amnesty wishes to draw the Committee’s attention to the fact that the Government’s Observations make a number of admissions with respect to
 - (a) the continued presence of a serious housing crisis and a lack of social housing:

¹ Observations of the Italian government, paragraphs 8, 54, 104, 106, 107, 123, 148, 157 and 159

² Ibid. paras 159-60

³ Ibid. paras 132 and 151

⁴ Ibid. para 132

“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”⁵ and “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.”⁶

(b) the unreasonably long time to implement the previous decision of *ERRC v Italy*⁷:

“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 Roma, Sinti and Caminanti for 2012-2020, even if it has then considered that it was obtained in an unreasonable time (10 years).”⁸

III. Response to particular Government Observations

(a) The facts of the case

Lack of access to adequate housing

9. The Government acknowledges that there is a “current difficulty of guaranteeing fair access to public housing in the big cities.”⁹ However, in so doing the Government fails to recognise that the Roma suffer particular problems in lack of access to adequate housing. The Government then responds to the allegations regarding such lack of access in the Collective Complaint by listing a number of projects across the country and concluding “Ergo, the Italian State is implementing a policy of intense inclusion of Roma in the urban context of the main Italian cities.”¹⁰ However, in so doing the Government fails to address directly the main substance of the complaint with respect to right to housing. In particular, the Government does not

⁵ Ibid. para 137

⁶ Ibid. para 142

⁷ Complaint No. 27/2004 (*ERRC v. Italy*)

⁸ Observations of the Italian government para 146

⁹ Ibid. para 7

¹⁰ Ibid. para 9

adequately respond to the substantive allegations with respect to the housing situation in Naples, Rome and Turin. Neither does it provide accurate numbers of the families involved in the projects nationally. Furthermore, the list provided by the Italian authorities, despite being described as ‘detailed’, does not provide concrete analysis as to whether the named projects have directly impacted Roma families living in authorised or unauthorised camps. While initiatives are welcomed to guarantee access to adequate housing, the situation of Roma living in camps, which the Italian government itself has classified as ‘places of relational and physical degradation’¹¹, requires urgent attention.

10. Regarding Milan, the Government states that "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."¹² However, with an estimated population of around 3,000 Roma¹³ living in authorised camps and reception centres, as well as informal settlements, concerns remain as to the lack of a comprehensive strategy to guarantee adequate housing to those in need beyond the listed project. The Government itself has acknowledged the presence of at least five authorised camps and other reception facilities such as ‘reception centers’ and ‘centers for autonomous housing’. However, it failed to provide information on concrete strategies and timelines for guaranteeing Roma families and individuals with adequate housing. The Government also stated that the housing facilities are equipped with the ‘best comforts’.¹⁴ However, Amnesty International, during visits in June 2017, found that the visited locations (Chiesa Rossa, Bonfadini, Via Sacile) do not meet the requirements of adequate housing, being mostly located far away from services, with inadequate facilities, at risk of overcrowding, lacking adequate privacy in the reception centres as families lived in big rooms

¹¹ National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities – European Commission Communication No. 173/2011, p 84-86, available at <http://www.unar.it/wp-content/uploads/2014/02/Strategia-Rom-e-Sinti.pdf>

¹² Observations of the Italian government, para 8 p.3

¹³ Number provided to Amnesty International by NAGA in a meeting in Milan on 5 June 2017. Also reported in the report published in and available at https://naga.it/wp-content/uploads/2018/09/Report_Nomadi-per-forza.pdf.

¹⁴ Observations of the Italian government, para 58

separated into individual family units only by sheets or planks of wood whilst lacking adequate security of tenure .¹⁵

11. The Government notes with respect to Rome that “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.”¹⁶ Yet the information provided by the Government fails to acknowledge that, to Amnesty International’s knowledge, many of the measures committed to be implemented in the first six months of the ‘Inclusion Project’ (January – June 2017) have to date not been implemented and the situation in the camps remains to date of grave concern. None of the mentioned camps have been closed (with the exception of Camping River which was the subject of a forced eviction); nor have any of the affected families been genuinely consulted and provided with adequate alternative housing.
12. Furthermore, the Government failed to mention or detail any plans and strategies to address the situation of Roma comprehensively in Rome, beyond the six mentioned camps targeted in the above listed project. According to data collected by the municipality of Rome, around 6,000 Roma live in the authorised camps and informal settlements.¹⁷ The Government, in their response to the Collective Complaint, provided a media article as evidence mentioning that 708 housing units have been created in Rome. While indeed all efforts to create new housing solutions

¹⁵ In recent years, Amnesty International has visited, among others, the following camps: Chiesa Rossa, Bonfadini and Via Sacile in Milan; 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;

¹⁶ Observations of the Italian government, para 8 p.6

¹⁷ Data provided in 2017 by the municipality of Rome, available at <https://www.agi.it/cronaca/quantifsonoedovovivonoioroma-1584277/news/2017-03-15/>.

for the people in need are welcomed, the Italian authorities failed to elaborate on how many of the 708 units have been assigned to people living in the camps across Rome. Amnesty International is aware that some Roma families have indeed been assigned social housing. However, according to our research, this occurred under standard social housing procedures and not due to any positive actions by the authorities to specifically remedy inhabitants' situation in the camps which the Italian authorities themselves acknowledged as 'places of degradation' that need to be overcome, as per the National Integration Strategy.¹⁸

13. More generally, the government, in its response, failed to provide details concerning plans to guarantee adequate housing to all Roma in need across Italy. The continued failure to collect and analyse data in order to provide a comprehensive mapping of the number of families and individuals affected was raised by Amnesty International in the Collective Complaint.¹⁹ However, while indeed there is a need to obtain accurate data, this should not be used for ulterior discriminatory motives. In this respect, some of the measures recently undertaken by the Italian authorities raise serious concerns that Roma are continuing to be treated and portrayed as a threat to public security.²⁰
14. The Government's Observations omit any reference of the other two other major cities – Naples and Turin – addressed in the Collective Complaint, leading to the conclusion that the Government is not in a position to challenge the evidence presented.

Selective referencing of EU and Council of Europe assessments

15. The Government refers to the 2014 solidarity fund for victims of discrimination as well as the activities of the National Office against Racial Discrimination (UNAR).²¹ However, in so doing the Government fails to mention how any of these resources have positively impacted on the rights

¹⁸ National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities – European Commission Communication No. 173/2011, p 84-86, available at <http://www.unar.it/wp-content/uploads/2014/02/Strategia-Rom-e-Sinti.pdf>

¹⁹ See paragraph 14 of the Collective Complaint

²⁰ See Associazione 21 Luglio, Submission to the UN Universal Periodic Review Concerning Italy, available at https://www.upr-info.org/sites/default/files/document/italy/session_34_-_november_2019/asso21_upr34_ita_e_main.pdf.

²¹ Observations of the Italian government para 10

of the Roma at issue in the collective complaint. Furthermore, in so doing, the Government's Observations make selective referencing to assessments carried out by European Union and Council of Europe bodies, as follows.

European Union

16. The Government's Observations note that in 2015, the European Commission ("the Commission")'s third evaluation report on the Member States' National Strategies recognised "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." However, in so doing, the Government neglected to clarify this was an overall assessment of progress made on national strategies rather than a specific commentary on Italy.
17. Furthermore, the Government's Observations omit reference to the Commission's specific conclusion that although local action plans had been drawn up by a number of countries including Italy "the necessary finances and capacity building to support their implementation and monitoring still needs to be ensured."²²
18. The Government also omits the fact that after noting some positive trends, such as the new linkage between policy priorities of Roma integration and the use of 2014-2020 ESI Funds and the role of National Roma Contact Points in planning this funding, the Commission concludes that "*efforts could not prevent further deterioration of the living conditions of Roma and widespread hostility of majority societies* (emphasis added)."²³
19. The Commission goes on to recommend that states should "[p]revent evictions on the grounds of ethnic origin by ensuring that any *evictions take place in full respect of fundamental rights, providing adequate alternative housing to evicted families to avoid homelessness and aggravating exclusion, and by exploring the opportunities under ESI Funds' investments to improve the housing situation of Roma.*" ...and "*eliminate segregation in housing*" (emphasis added).²⁴ Yet this is precisely what Italy has failed to

²² *Report on the implementation of the EU Framework for National Roma Integration Strategies 2015* (Brussels, 17.6.2015 COM(2015) 299 final) p.7

²³ Ibid. p 11

²⁴ Ibid.

do, both at the time of this review in 2015 and in the subsequent period amounting to over four and half years.

20. The Government's Observations omit reference to subsequent reviews by the Commission. In 2016, the latter concluded across member states including Italy that "the most important housing challenges — namely fighting segregation and preventing forced evictions — were insufficiently addressed."²⁵ Indeed, in so doing the Commission refers to a report by the Council of Europe's Commissioner for Human Rights which condemns certain states, including Italy, for carrying out forced evictions and not providing social housing.²⁶
21. In its subsequent, more comprehensive 2017 mid-term review, also not referred to by the Government, the Commission notes that in Italy, together with some other states, "Roma increasingly experience discrimination when it comes to access to housing."²⁷ The Commission goes on to highlight that "some of the countries most concerned do not report measures fighting segregation, while others do not address non-discriminatory access to social housing at all. Both areas are of utmost importance for further robust action, potentially financed from EU funds in line with the Commission's guidance on desegregation. This is especially important in the context of frequent evictions in several Member States."²⁸
22. In the same mid-term 2017 evaluation, the Commission's report states that "no evidence could be collected to prove the extent to which Roma integration is mainstreamed into national policies after 2011".²⁹ It continues by adding that 'in respect to residential segregation of Roma, limited or no improvement has been recorded between 2011 and 2016 with 45% in Italy

²⁵ *Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on effective Roma integration measures in the Member States – 2016* (Brussels, 27.6.2016 COM(2016) 424 final) para 3.5 p 8

²⁶ *European countries must stop forced evictions of Roma*, Commissioner for Human Rights, (Strasbourg, 2016), available at <https://www.coe.int/en/web/commissioner/-/european-countries-must-stop-forced-evictions-of-roma>

²⁷ *Midterm review of the EU Framework for National Roma Integration Strategies* (Brussels, 30.8.2017 COM (2017) 458 final) p. 18

²⁸ Ibid.

²⁹ Ibid, page 62

still living in segregated areas).³⁰ The Commission's assessment is that "in some regions/municipalities in Italy, existing rules consider living in formal camps as a suitable living condition, rather than as a situation of housing disadvantage that would facilitate the access to social housing. This rule was challenged in the municipality of Rome, where it was recognised that Roma families living in camps should receive a higher 'disadvantaged' score vis-à-vis those living in formal housing. However, the availability of social housing in Italy remains very limited (5% of the stock) and, despite legislative interventions, no significant improvement in terms of access to social housing for Roma people has been recorded or is expected".³¹

23. It should also be noted that the reference by the Government to the allocation of European funds to the implementation of the Integration Strategy makes no mention of housing.³² This is reinforced by the fact that the above mentioned 2017 mid-term review by the Commission stated that "in Italy, the National Integration Strategy (NRIS) did not allocate sufficient funding from national budgets, which were to be complemented by international and EU funding. The NRIS briefly describes existing resources without mentioning the origin, which led to issues during the implementation."³³

Council of Europe Framework Convention for the Protection of the National Minorities

24. The Government refers to other initiatives in its fifth report on the implementation of the Council of Europe's Framework Convention for the Protection of National Minorities (the "FCNM") which is still under review.
25. However, the Government's Observations do not refer to the most recent evaluation under the FCNM which was carried out by the Advisory Committee in 2015. In its fourth opinion adopted on 19 November 2015, the Advisory Committee concluded *inter alia* that: "The implementation of the National Strategy for the Inclusion of Roma, Sinti and Caminanti

³⁰ Ibid, page 85

³¹ Ibid, page 95-96

³² Observations of the Italian government para 12

³³ *Midterm review of the EU Framework for National Roma Integration Strategies* (Brussels, 30.8.2017 COM (2017) 458 final) p. 77

Communities of 2011 has been slow as no dedicated funding has been earmarked for its implementation. No specific legislation for the protection from discrimination of these communities has been adopted, in spite of numerous proposals being submitted in Parliament. Roma, Sinti and Caminanti remain socially and economically marginalised. Residents of segregated housing, in particular camps commonly referred to as “nomad camps”, continue to live in deplorable conditions, in spite of court rulings confirming that assigning housing in prefabricated containers surrounded by fencing constitutes discrimination.”³⁴

26. In so doing the Advisory Committee noted that “The living conditions for the Roma and Sinti living in camps are a cause for serious concern” and that “the camps, in particular the unauthorised ones, cannot be considered in any significant way to offer dignified living conditions to their residents.”³⁵
27. With respect to the National Integration Strategy, the Advisory Committee noted it was a positive step [marking a clear break with past policies] but found “it has not progressed significantly” [with] “serious delays in the setting-up of agencies and achieving anticipated results. Specifically, few concrete results could be demonstrated as regards all four key areas covered by the Strategy [including housing]”³⁶ leading it to conclude that “[r]egrettably, three years after its launch, the Strategy has not achieved any significant progress towards its stated goals.”³⁷
28. As regards housing, the Advisory Committee noted “with deep concern that (...) Roma continue to live in camps commonly referred to as “nomad camps” both “authorised” and “unauthorised”. The situation in such camps shows considerable variations, as observed by the Advisory Committee delegation’s visit to Italy. “In some locations such as Lecce the authorities, in cooperation with local Roma residents, work together to improve living conditions in the camps and take measures to improve residents’ access to employment, education and health care. Such initiatives are commendable. However, while they provide essential conditions required for a decent

³⁴ *Fourth Opinion on Italy adopted on 19 November 2015 (ACFC/OP/IV(2015)006) summary p1*

³⁵ *Ibid.* pp 6-7

³⁶ *Ibid* para 39 p 15

³⁷ *Ibid* para 8

standard of living, they do not address the fundamental issue of segregation and marginalisation of Roma.”³⁸

29. More broadly, the Advisory Committee noted “with deep regret that all legislative initiatives in the Parliament to adopt a specific legislative framework for the protection of Roma, Sinti and Caminanti or to extend the protection afforded by Law No. 482/1999 have so far not achieved a satisfactory outcome.”³⁹
30. In the context of the continued use of the pejorative term “nomad” nine times in the Government’s Observations (see para 4 above) it is important to note the following comment by the Advisory Committee: “The outdated, inaccurate and discriminatory concept according to which Roma, Sinti and Caminanti are referred to by some officials, political figures and in parts of the media as “nomads” is used as an excuse not to extend the protection afforded by Law N° 482/1999 to these groups, which is territory-based. The Advisory Committee wishes to point out that the vast majority of the Roma, Sinti and Caminanti have lived for decades if not generations in established, albeit very materially deprived communities. In fact, it is estimated that between 60% and 80% of Roma live in fixed abodes, and around 40,000 of them live in camps commonly referred to as “nomad camps”, while only 3% of Roma in Italy lead an itinerant lifestyle.”⁴⁰
31. The findings of the Advisory Committee led the Committee of Ministers to make the following recommendation for immediate action: “take urgent steps to elaborate and adopt without delay a specific legislative framework, at national level, for the protection of the Roma, Sinti and Caminanti communities with due consultation of representatives of these communities at all stages of the process; make sustained and effective efforts to prevent, combat and punish the inequalities and discrimination suffered by persons belonging to the Roma, Sinti and Caminanti communities, particularly women and girls; improve the living conditions of persons belonging to these communities, in particular by creating conditions which would allow residents to move out of the camps commonly referred to as “nomad camps” (both “authorised” and “unauthorised”) to adequate social housing.”⁴¹ Yet

³⁸ Ibid. para 40

³⁹ Ibid. para 24

⁴⁰ Ibid.

⁴¹ Resolution CM/ResCMN(2017)4 on the implementation of the Framework Convention for the

four years later, the situation of the Roma in Italy in regard to access to adequate housing remains bleak. As detailed in the initial submission, the National Integration Strategy remains a positive initial step. However, it has not been followed up with adequate budget, implementation and results; policies of segregation, forced evictions and exclusion from social housing have continued by local authorities with no accountability of remedy for the victims of such human rights violations; no comprehensive national strategy for de-segregation in place while in none of the camps (out of the 127 documented by Associazione 21 Luglio⁴²) have the substandard living conditions been successfully and adequately addressed.

Role and powers of UNAR

32. We would refer the Committee to the assessment of UNAR's weak powers and lack of independence by a number of human rights bodies as set out in paragraph 34 of our original submission.

Forced evictions

33. With respect to forced evictions the Government's Observations deny that they have occurred stating that "relocation interventions" have been carried out in response to "situations of degradation and illegality that often occur in particular in illegal settlements."⁴³
34. In so doing the Government's Observations fail to make any reference to relevant human rights standards against which forced evictions should be assessed. Consequently, the Government wrongly focuses on the alleged aim of the eviction instead of whether it meets the relevant safeguards as set out in paragraphs 66-73 of the Collective Complaint. In this context it is important to reiterate that "[e]victions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law." (emphasis added)⁴⁴

Protection of National Minorities by Italy (*Adopted by the Committee of Ministers on 5 July 2017 at the 1291st meeting of the Ministers' Deputies*)

⁴² Associazione 21 Luglio, Submission to the UN Universal Periodic Review Concerning Italy, available at https://www.upr-info.org/sites/default/files/document/italy/session_34_-_november_2019/asso21_upr34_ita_e_main.pdf.

⁴³ Observations of the Italian government para 126

⁴⁴ Basic Principles and Guidelines on Development Based Evictions and Displacement, para. 6,

35. The Government's lack of understanding concerning the concept of a 'forced eviction' is particularly worrying when seen in the context of evidence demonstrating the extent of such human rights violations being perpetrated by Italian authorities. As mentioned in the Collective Complaint⁴⁵, several international and national organisations, including the European Roma Rights Centre and Associazione 21 Luglio, as well as many international and regional bodies such as the Council of Europe Commissioner for Human Rights, the UN Committee on the Elimination of Racial Discrimination and the UN Committee of Economic, Social and Cultural Rights have found that hundreds of forced evictions have been carried out during the last decade leaving thousands of Romani families homeless and/or in worsening housing conditions.
36. Specifically, the forced evictions of Camping River in Rome, of Gianturco in Naples and of Giugliano near Naples left scores of families and children homeless and exposed to further abuse and violations. In Camping River, many were left to sleep outdoors, including small children, in the days following the destruction of their homes. In Giugliano, hundreds of people were chased by the authorities to prevent them from settling anywhere. In Gianturco, the only housing alternative offered was a container in a segregated camp. As such it is clearly misleading to describe them simply as "relocation interventions."
37. With respect to the reference by the Government to the European Court of Human Rights jurisprudence ("the European Court") it should be noted that the Court has reiterated that "the loss of a dwelling is a most extreme form of interference with the right to respect for one's home and that any person at risk of being a victim thereof should in principle be able to have the proportionality of the measure determined by a court"(emphasis added).⁴⁶
38. However, Amnesty International would also challenge the relevance of the Government's reference to Article 8 of the European Convention on Human Rights (the "Convention") in the context of justifying its actions in response

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

⁴⁵ See paragraphs 66 – 76 of the Collective Complaint

⁴⁶ *Winterstein and Others v. France*, no. 27013/07, § 83, 17 October 2013.

to the Collective Complaint. Firstly, in contrast to Article 31 of the Charter, the Convention does not recognise a right to be provided with a home and therefore provides a lower level of protection for the right to adequate housing than provided for under the Charter.⁴⁷ Therefore, conformity with Article 8 does not automatically imply conformity with the Charter.

39. Secondly, whilst, unlike Article 31, Article 8 of the Convention does indeed set out a number of competing interests against which the enjoyment of the right should be balanced, the Court has elaborated certain criteria to assess the proportionality of any interferences with Article 8 rights. In so doing, the European Court, while deferential to a certain extent to local planning decisions, has engaged in both procedural and substantive scrutiny of such interferences.⁴⁸ In ruling that some government interferences can breach Article 8, the European Court has emphasised that “the disadvantaged position of the social group to which the applicants belong should have been taken into consideration” “in assisting them to obtain officially the status of persons in need of housing which would make them eligible for the available social dwellings on the same footing as others.”⁴⁹
40. Furthermore, the European Court has highlighted that the margin of appreciation should be narrow because the intrusion is severe and the right at stake is critical to enjoyment of fundamental and “intimate” rights such as those protected under Article 8, noting that “serious interference with the applicant’s rights under Article 8 requires, in the European Court’s opinion, particularly weighty reasons of public interest by way of justification and the margin of appreciation to be afforded to the national authorities must be regarded as correspondingly narrowed.”⁵⁰
41. It should also be noted that while the Convention does not recognise a right to be provided with adequate housing, states do have positive obligations including to “secure shelter to particularly vulnerable individuals... [which]...may flow from Article 8 of the Convention in exceptional

⁴⁷ See, e.g., *Beard v. the United Kingdom* [GC], no. 24882/94, § 110, 18 January 2001; *Chapman v. the United Kingdom* [GC], no. 27238/95, § 99, ECHR 2001-I.

⁴⁸ *Connors v. the United Kingdom; Winterstein and Others v. France; Yordanova and Others v. Bulgaria; Buckland v. the United Kingdom*

⁴⁹ *Yordanova and Others v. Bulgaria*, no. 25446/06, § 132, 24 April 2012.

⁵⁰ *Connors v United Kingdom* para 86; see also *Winterstein and Others v. France*, no. 27013/07, § 76, 17 October 2013.

cases.”⁵¹ This is particularly the case with respect to groups in a vulnerable situation such as the Roma: “Lastly, the vulnerable position of Roma and travellers as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in reaching decisions in particular cases... to this extent, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the way of life of the Roma and travellers.”⁵²

42. In fact, even where the Court has found that evictions are valid, it has emphasised the need to take into account the special needs of marginalised groups such as the Roma. In this regard, the Court has rejected arguments that such groups should be treated generically, saying: “As the Court has stated in the context of Article 14 of the Convention, that provision not only does not prohibit a member State from treating groups differently in order to correct “factual inequalities” between them but, moreover, in certain circumstances a failure to attempt to correct inequality through different treatment may in itself give rise to a breach of Article 14 . . . In the context of Article 8, in cases such as the present one, the applicants’ specificity as a social group and their needs must be one of the relevant factors in the proportionality assessment that the national authorities are under a duty to undertake.”⁵³
43. As part of their Convention obligations, the Court has found that states should provide adequate alternative accommodation and the lack of such an alternative can weigh against proportionality since it intensifies the severity of the interference: “If no alternative accommodation is available the interference is more serious than where such accommodation is available. The evaluation of the suitability of alternative accommodation will involve a consideration of, on the one hand, the particular needs of the person concerned and, on the other, the rights of the local community to

⁵¹ *Yordanova and Others v. Bulgaria*, no. 25446/06, § 130, 24 April 2012. See also *Chapman v. the United Kingdom* [GC], no. 27238/95, § 96, ECHR 2001-I; *Yordanova and Others v. Bulgaria*, no. 25446/06, § §§ 129–30, 133, 24 April 2012

⁵² *Winterstein and Others v. France*, no. 27013/07, § 76(ζ), 17 October 2013.

⁵³ *Yordanova and Others v. Bulgaria*, no. 25446/06, § 129, 24 April 2012. See also *Connors v. the United Kingdom*, no. 66746/01, § 84, 27 May 2004 and *Winterstein and Others v. France*, no. 27013/07, § 76(ζ), 17 October 2013.

environmental protection.”⁵⁴ This duty includes the need to conduct genuine consultations on rehousing needs for those facing evictions.⁵⁵

44. The Government does not deny that forced evictions are not prohibited in law.⁵⁶ This is despite the fact that such a failing is contrary to its obligations under both the Charter and other international treaties.⁵⁷

Specific Cities

Milan

45. The Government claims that no violations of Article 31 taken together with Article E have (ever) occurred in the municipality of Milan. In particular, it notes that the decision to carry out the evacuation of the nomad camp in Via Idro (i.e. an eviction) in 2015 was considered legitimate by the Lombardy Administrative Regional Tribunal n. 169472015 and confirmed by the Council of State.
46. However, evidence documented by Amnesty International demonstrates that it still amounted to a forced eviction under international law. While Amnesty International acknowledges efforts by the authorities to consult and provide notice and details on access to remedies for the Via Idro families, the alternatives provided to the families did not comply with the standards of adequacy required.
47. Alternative housing consisted of placement in centres for housing autonomy (CAA), in some containers at Casa della Carità and at an ASP centre in Barona area. The offer of housing was limited in time – for a year and renewable on only one occasion – and the housing facilities like the CAA consisted mostly of containers (of around 13-17 sqm) aimed at hosting a family of 4-6 people, with obvious risks of overcrowding. Bathrooms and kitchens, placed in separate containers, were divided among families and were in very bad condition. At the time, there were discussions for the containers to be substituted by prefabricated houses.

⁵⁴ *Winterstein and Others v. France*, no. 27013/07, § 76(ε), 17 October 2013.

⁵⁵ *Bagdonavicius and Others v. Russia*, no. 19841/06, 11 October 2016

⁵⁶ Observations of the Government, para 32

⁵⁷ See paragraphs 66 – 76 of the Collective Complaint

48. For families who at the time of the forced evictions had lived for dozens of years in their own homes, some for 30 years, the offers provided by the municipality represented a significant retrograde step in terms of quality and adequacy of living. Those families that at the time refused relocation to CAAs, were told they would be placed in Centers for Social Emergency (CES). Such relocation would mark an even greater worsening of their living conditions, as the CES would only provide permanence for some months with families being required to share rooms separated only by sheets.
49. In addition to the inadequate housing alternatives provided to the families from Via Idro, the community was effectively dismantled with little consideration of their rights and instead placing them in centres created for homeless people. Amnesty International considers that in these circumstances the eviction of the families from Via Idro amounted to a forced eviction.
50. The Italian Government references the decision of the national court that found the eviction 'legitimate'. However, Amnesty International submits that there was no application of international law in reaching such a decision. In the absence of national legislation prohibiting and detailing what amounts to a 'forced eviction', Amnesty International submits that the court decision was limited to an assessment according to national norms, which are not in line with international human rights law and standards that Italy is bound by.
51. Amnesty International strongly opposes the Italian government's characterisation of Via Idro as an example of good practice. Amnesty International has for a long period denounced the segregation of Roma in Italy and therefore favours the gradual closure of authorised camps (including Via Idro, since it was indeed under the management of local authorities). However, such closures must be carried out through genuine consultation of the affected community and must involve the provision of a range of alternative housing that allows for the overcoming of a situation of segregation on ethnic grounds whilst also improving the housing conditions, including regarding security of tenure. This did not occur for the families from Via Idro who have since experienced a worsening of their housing conditions and further segregation, as the housing alternatives are almost exclusively inhabited by Roma.⁵⁸

⁵⁸ Associazione 21 Luglio, 2016 Annual Report, available at

52. Amnesty wishes to draw the Committee’s attention to the recent assessment by the UN OHCHR following its mission to Italy in January/February 2019: “In its meetings with Roma community members, the team heard numerous accounts regarding lack of security of tenure, forced evictions, lack of access to mainstream housing, segregation, undignified and dangerous conditions, and excessive social control and surveillance. It was evident that commitments at the national level to move away from segregated housing have had limited success, especially in large urban areas such as Milan, Naples, Rome and Turin.”⁵⁹

Naples and Giugliano

The case of Gianturco

53. In relation to the concerns raised about the treatment of Roma in and near Naples, the Government’s Observations make only limited and very selective reference to two settlements of Gianturco and Giugliano.
54. In relation to the Gianturco case, the Government stated that the creation of the new camp in Via del Riposo and the placement of some of the families from Gianturco are examples of projects aiming to ‘guarantee the exercise of citizenship rights’ for Roma. Amnesty International strongly refutes this description given that the result is a segregated camp of forcibly evicted families.
55. As detailed in the Collective Complaint, in 2017, a large Romani community of 1,300 people was forcibly evicted from the settlement in the Gianturco area of Naples, with a small number of families (130 people) being transferred to a new segregated camp in Via del Riposo, a few being placed in the reception centre La Deledda, and the rest rendered homeless. Annex 1 to the Collective Complaint in the submission contains details of the Gianturco forced evictions, while Annex 2 details the concerns we raised around the creation of a new segregated camp for Roma only in Via del Riposo. While in their observations the Government described the centres

https://www.21luglio.org/21luglio/wp-content/uploads/2017/04/RAPPORTO-ANNUALE_2016_WEB.pdf p. 35

⁵⁹ Office of the United Nations High Commissioner for Human Rights, Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination (28 Jan–1 Feb 2019), para. 63.

as ‘reception centres’, in the meetings with Amnesty International they were described by the local authorities as ‘temporary centres of first assistance’. Amnesty International visited the site of Via del Riposo in February and April 2017 and considers the new camp to be a typical authorised camp for Roma which, as such, offers inadequate housing. The camp is fenced, segregated, and housing is provided in (at the time of the visit) 28 containers of about 20 square metres: inadequate for the number of people assigned to each of them. Despite several requests by Amnesty International to the local authorities to allow and facilitate a visit the La Deledda centre in April 2017, such permission was never granted. This has rendered the organization unable to carry out an accurate assessment of the quality and adequacy of housing at the centre. However, during interviews conducted by Amnesty International during the days following the forced eviction, friends and relatives of people relocated at La Deledda raised numerous concerns regarding, among others, lack of privacy, inadequate facilities and lack of security of tenure.

56. In meetings with Amnesty International, the local authorities stated that the housing of Roma in the segregated camp was a temporary solution. However, to date, more than two years later, the authorities have not indicated their plan to ensure that the families will leave the segregated accommodation but rather, as per their response, seek to portray it as a successful initiative adopted to ensure Roma are included in the “Italian social fabric.”⁶⁰

The case of Giugliano

57. The Government’s Observations mention the ‘recent evacuation of the Roma community of the Municipality of Giugliano’, alleging that the story has been summarily reported in the adverse claim. Despite the Observations mentioning the date as 2003⁶¹, Amnesty International believes that this is an error and the facts actually refer to events which took place in 2019.
58. Amnesty International has already detailed the situation of the Giugliano community at paragraphs 170 and 171 of the Collective Complaint; however, these facts only cover the period until October 2018. Amnesty International therefore provides below further analysis of the recent eviction which the community faced at the hands of local authorities, and clarifies

⁶⁰ Observations of the Italian government para 92

⁶¹ Observations of the Italian government para 42

further details of the European Court interim measures issued and later withdrawn

59. According to information available to Amnesty International⁶², on 10 May 2019, around 500 Roma people – approximately 350 adults and 150 children – were forcibly evicted by local authorities from their homes in a former fireworks factory in Ponte Riccio locality, in the Municipality of Giugliano in Campania, in the Province of Naples, southern Italy. The families had been living there in inadequate living conditions since June 2016, when they were forcibly evicted from a segregated authorised camp in Masseria del Pozzo, located next to a toxic landfill. Following a judicial order to remove the families from Masseria del Pozzo camp, the administration failed to find adequate housing alternatives for them within the court’s deadline and proceeded to forcibly evict them in 2016, offering as only alternative to homelessness the site of the former fireworks factory in Ponte Riccio locality. The details of the 2016 forced eviction are included in Annex 1 to the Collective Complaint.
60. Amnesty International is well-aware of the dramatically sub-standard living conditions these Roma families were enduring in Ponte Riccio locality, having visited the settlement on multiple occasions. As documented in previous reports⁶³, these conditions were largely the result of failures by the authorities to protect the right to adequate housing of the community. Amnesty International visited the settlement several times in 2016 and 2017 and already then, conditions were gravely inadequate with severely limited access to shelter, water and sanitation.
61. According to information available to Amnesty International⁶⁴, local authorities carried out eviction on 10 May 2019 on the basis of the Municipal Order no. 29 of 5 April 2019, which required the immediate eviction of the settlement for reasons of public health and safety, due to the unhygienic and unsafe conditions of the camp. The camp was deemed to be infested with rats and at risk of fire due to the precarious connections to electricity and to the presence of gas canisters for cooking and heating.

⁶² Associazione 21 Luglio, Diritti Calpestati A Giugliano, Appello Urgente, available at <https://www.21luglio.org/appello-urgente-a-giugliano-violati-i-diritti-umani-intervenite-subito/>,

⁶³ Italy: Authorities Placed Roma From Masseria Del Pozzo In Inhumane Conditions, available at <https://www.amnesty.org/en/documents/eur30/4300/2016/en/>

⁶⁴ Italy: 500 Roma People Homeless After Forced Eviction, available at <https://www.amnesty.org/en/documents/eur30/0354/2019/en/>

Furthermore, the presence of large quantities of rubbish generated by the settlement near the high-speed road which it flanked was described as a risk to the safety of traffic on the road.

62. Local authorities did not engage in a process of genuine consultation with the community to identify a suitable alternative to the current location. They provided scant information to the families and the only alternative offered was a one-off payment to contribute towards rent for housing on the private rental market. Many of the Roma people in this community are stateless or do not have documents allowing them to be regularly employed and do not have stable jobs, making it impossible for them to rent a home on the private market, therefore making the offer of a one-off contribution towards rent, unviable and unsustainable.
63. It is clear to Amnesty International that the necessary safeguards required by international human rights law – adequate written notice, genuine consultation with the community and provision of adequate alternative housing – had not been put in place ahead of the eviction. Amnesty International therefore concludes that the process amounted to a forced eviction.
64. Following the eviction, the families found some shelter in an improvised campsite in an industrial area outside Giugliano town, in conditions which raise serious concerns in relation to access to basic rights and services. With the help of Associazione 21 Luglio, the families then sought interim measures from the European Court. The European Court issued interim measures on 17 May. Following the decision, the Italian authorities committed to refrain from carrying out further evictions of the families; activated a social services task force; and have offered temporary housing solutions to some of them. Such measures, coupled with no eviction order being adopted at the local level, led to the lifting of the interim measures on 4 June by the European Court.⁶⁵
65. Amnesty International highlights that, due to the dire situation of the Romani families, on 5 July 2019, the European Committee accepted Amnesty International's Collective Complaint against the treatment of Roma by the Italian authorities, which refers also to the Romani community

⁶⁵ Associazione 21 Luglio, Il monito della Corte Europea al Governo italiano sortisce i primi effetti a Giugliano in Campania, available at <https://www.21luglio.org/il-monito-della-corte-europea-al-governo-italiano-sortisce-i-primi-effetti-a-giugliano-in-campania/>

of Giugliano, deciding to take ‘exceptional steps to request immediate measures to eliminate the risk of serious and irreparable harm to the Roma who have been evicted’.

66. The situation of the Roma community in Giugliano remains dire to date as the families remain in improvised housing at the new location, without a long-term sustainable solution yet in place.
67. The Government claims that the measures adopted for the Giugliano community demonstrate that, even where there are greater difficulties in implementing the inclusion strategy, i.e. in large cities, instruments have always been identified that facilitate the overcoming of the adversities in question. Amnesty International strongly criticises and refutes such a claim: the Giugliano community remains an example of purposeful and repeated actions carried out by local authorities leading to forced evictions, homelessness and precarious living. It is worth noting that it is only as a result of the intervention of the European Court that some temporary measures have been taken; however, these measures are not long term, nor do they aim at guaranteeing adequate housing and dignity for the families, as required by the international and regional human rights obligations Italy is bound by.

(b) The relevant legislation

68. The Government fails to mention that there is still no law prohibiting forced evictions contrary to the requirements of international law.
69. The Government claims that “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 Caminanti, are less meaningful.”⁶⁶
70. Whilst Amnesty International acknowledges that the fall of the previous government effectively led to the end of the ‘government contract’, it is important to provide context in order to demonstrate why our previously

⁶⁶ Observations of the Italian government para 123

expressed concerns in relation to the decree law 53/2019 regarding security are still valid.

71. On 18 May 2018, a programmatic document (“*Contract*”) was adopted by the then two winning parties setting out the Italian political agenda for the upcoming five years.⁶⁷ Among the 30 chapters of the *Contract*, chapter 23, titled “Sicurezza, Legalità e forze dell’Ordine” (Security, Legality and Police forces) contained the paragraph “Roma Camps”. This stipulated that all the non-authorized Roma settlements within Italian territory must close. Such a blanket statement risked the implementation of policies that could have led to mass expulsions of people living in Roma settlements by denying them proper due process and consideration of their individual circumstance. The *Contract* also envisaged sanctions for those Roma that did not respect the compulsory school attendance for minors, such as the removal of the minor from the family or the loss of parental responsibility, thus potentially amounting to racial and ethnic discrimination towards Roma communities.
75. In July 2018, during a plenary session of the European Parliament, the European Justice Commissioner publicly condemned the recent announcement of then Minister of Interior Matteo Salvini to carry out a census of Roma in Italy. The Justice Commissioner stated that the European Commission condemned racism and xenophobia and that “statements that link crime to certain ethnic origins are not acceptable, because they feed xenophobia and are damaging.”⁶⁸
76. However, despite these concerns, on 9 March 2019 the Prefecture of Rome together with the Committee for Order and Security and the Quaestor of Rome (Police Commissioner) delivered an ordinance that established an H24 dynamic surveillance and patrol service along the outside perimeter of certain Roma settlements in Rome. The measure was ostensibly taken in order to prevent the burning of toxic material within the settlements but again raises concerns about the over-policing of Roma. The territory control

⁶⁷ See UPR submission by Associazione 21 Luglio, https://www.upr-info.org/sites/default/files/document/italy/session_34_-_november_2019/asso21_upr34_ita_e_main.pdf

⁶⁸ ANSA, Roma census talk 'deplorable' – EC, available at http://www.ansa.it/english/news/2018/07/04/roma-census-talk-deplorable-ec-3_c0b75af5-0959-48b8-b92c-e7fd7e8c56b6.html

service subsequently commenced operations at the Salviati, Salone and Castel Romano Roma settlements with technical support being given by 39 soldiers of the Italian Sassari Brigade Army.⁶⁹

77. Most recently, in October 2019, Associazione 21 Luglio publicly expressed concerns about a new legislative proposal put forward by a regional councillor entitled ‘Norme in materia di regolamentazione del nomadismo e di contrasto all’abusivismo’ (Rules on the regulation of nomadism and the fight against abusive practices)⁷⁰ in Piemonte Region. Associazione 21 Luglio criticised the legislative proposal for the following reasons; (1) it provides for the ‘installation in these areas of transit of video surveillance systems’; (2) it proposes the regulation of access to the transit areas through telematic registers and smart cards; (3) it sets specific requirements for access to the transit areas such as the source of income and the moral suitability of the requesting subjects; (4) it stipulates that, in relation to the revocation of the authorization to remain in the transit areas, if an individual becomes the protagonist of ‘incitement or exploitation of third parties’, such behaviour must be ascertained by the competent judicial offices or by a final judgement; (5) it also sets that the repeated refusal of job placement proposals is a ground for revoking the stay in the transit areas. Similarly, the proposals states that ‘the school abandonment or absence for a number higher than 20 consecutive days by a minor part of the family unit or for a total of 45 days during the whole school year, except for proven and certified health reasons’ is a ground for revoking the authorization to remain in the transit areas; (6) it proposes the creation of a regional observation entity (Osservatorio regionale) aiming to monitor the fluxes and contrast abusive practices (abusivismo). Such observatory should be a cooperation between ‘three members of the police forces, jointly with the prefectures’.

78. The new legislative proposal⁷¹ was approved on 8 November 2019 by the Regional Committee and is currently being examined by the Regional

⁶⁹ See UPR submission by Associazione 21 Luglio, https://www.upr-info.org/sites/default/files/document/italy/session_34_-_november_2019/asso21_upr34_ita_e_main.pdf

⁷⁰ Associazione 21 Luglio, Regione Piemonte: la proposta del disegno di legge dell’assessore Ricca preoccupa Associazione 21 luglio perché viola i diritti umani, available at <https://www.21luglio.org/lettera-regione-piemonte/>

⁷¹ <http://arianna.cr.piemonte.it/iterlegcoordweb/dettaglioProgetto.do?urnProgetto=urn:nir:regione.piemonte:consiglio:testo.presentato.pdl:11:61&tornaIndietro=true>

Council. Associazione 21 Luglio, together with the European Roma Rights Centre, and the Association for Juridical Studies on Migration (ASGI) publicly condemned the proposal as discriminatory and violating a range of rights.⁷²

79. While still to be approved, such a legislative proposal raises serious concerns regarding the attitudes of local and regional authorities in relation to Roma communities. Although the proposal does not mention the word ‘Roma’ specifically, it does talk about ‘nomad population’ thus showing the intention to adopt ad hoc legislation for individuals or groups identified on an ethnic basis, and specifically of Roma origin. It also states that people will be allowed to remain in the transit areas for a maximum of 3 months, not renewable. In addition, it imposes obligations on individuals to provide the vehicle registration number and insurance details for vehicles kept at the facility and that domestic animals are fitted with microchips in order to access the accommodation. No such requirements are requested for people generally seeking access to social housing.
80. This regional legislative proposal represents further evidence of continuing double standards based on stereotypes being applied to Roma when it comes to housing,

(c) 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)

Adequate accommodation

81. Without offering any further evidence, the Government states that it has already contested Amnesty International’s submission in the factual part of its response that it “does not guarantee the relevant standards developed by CESR (sic) to consider an accommodation adequate, i.e. the legal security of the possession, the availability of services, accessibility, habitability, location and cultural adequacy... the lack of activation of inclusion strategies, and ...the existence of forms of segregation. ...”⁷³ However, as

⁷² Associazione per gli Studi Giuridici sull’Immigrazione, Piemonte, la nuova proposta di legge contro i campi rom in Italia è razzista e illegale, available at <https://www.asgi.it/notizie/piemonte-legge-rom-discriminatoria/>

⁷³ Observations of the Italian government paras 125 and 126

set out above in this submission, Amnesty International would maintain that information presented in the factual part of the Government's response is insufficient to counter the evidence presented in the Collective Complaint that the Roma community are not enjoying their right to adequate accommodation as guaranteed under the Charter and other relevant international laws and standards.

Access to housing criteria

82. In the Collective Complaint, Amnesty International set out information documenting 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. In these circumstances, Amnesty International emphasised the need for a review of housing policies by the competent national authorities specifically to monitor access by Roma to social housing and other housing assistance. Such measures were planned in the NSRI and due to take place in 2012-2013 but Amnesty International is not aware of any evidence of this ever have been carried out. Accordingly, it is submitted that this should be a first step towards removing all discriminatory obstacles to accessing housing assistance and social housing.

Elimination of homelessness: the need to make concrete progress

83. The Government asserts that "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."⁷⁴

84. Amnesty International emphasises that some rights, such as protection against forced evictions, are immediate rights and not subject to progressive realisation. More broadly, the general requirement for States to progressively realise economic, social and cultural rights obliges them to move as expeditiously and effectively as possible towards that goal."⁷⁵ The European Committee has elaborated on this obligation with respect to the Charter in stating that "when the achievement of one of the rights in

⁷⁴ Observations of the Italian government para 145

⁷⁵ CESCR, General Comment No. 3: The Nature of States Parties' Obligations, 14 December 1990, UN Doc No E/1991/23, para. 10.

question is exceptionally complex and particularly expensive to resolve, a State Party must take measures that allows it to achieve the objectives of the Charter within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources. States Parties must be particularly mindful of the impact that their choices will have for groups with heightened vulnerabilities as well as for other persons affected.⁷⁶

85. In this context there have been several instances where the European Committee has found that progress demonstrated by states was not sufficient to satisfy the requirements of Article 31 and that the gradual nature of the obligation does not absolve the government from demonstrating certain measures of progress.⁷⁷

⁷⁶ *Autism Europe v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003, § 53.

⁷⁷ *European Federation of National Organisations working with the Homeless (FEANTSA) v. the Netherlands*, Decision on the Merits, Complaint No. 86/2012, para. 111; *European Roma and Travellers Forum v. France*, Decision on the Merits, Complaint No. 64/2011, para. 109–10.

⁷⁷ *European Roma Rights Centre v. Portugal*, Decision on the Merits, Complaint No. 61/2010, para. 33.

