



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

20 February 2020

**Case Document No. 4**

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

**FURTHER RESPONSE BY THE GOVERNMENT  
ON THE MERITS**

**Registered at the Secretariat on 31 January 2020**





**REPUBBLICA ITALIANA**

Ufficio dell'Agente del Governo italiano  
davanti alla Corte Europea dei Diritti dell'Uomo

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Avvocatura Generale dello Stato

**European Committee of Social Rights (ECSR)**

Collective complaint n. 178/2019

Amnesty International vs Italy

**REPLY**  
**OF THE**  
**ITALIAN GOVERNMENT**  
**TO THE OBSERVATIONS OF AMNESTY INTERNATIONAL**

Rome, 31.1.2020

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

## **1. Introduction**

1. The purpose of the Italian Government's reply is twofold.

The Government intends both to take a position on the considerations made by Amnesty international in the replies filed on 13 December 2019 and to identify the protection measures adopted by the Italian State to protect the right to housing of people who have been evicted and more generally to prevent the occurrence of evictions to the detriment of vulnerable people.

## **2. The considerations made by Amnesty international**

2. First of all, it should be noted that the applicant:

- a. does not dispute the allegations in fact contained in the observations filed by the Italian state on 6 September 2019, but regrets the insufficiency of the measures taken by the Italian state;
- b. complains about the failure to fulfil positive obligations imposed on the Italian State;
- c. complains about the unjustifiable gradualness of the strategies adopted;
- d. complains that there is still discrimination against Roma, Sinti and Camminanti, which can be inferred both from the use of the term "nomads" also in official documents and in the expressions used by the former Interior Minister Matteo Salvini.

## **3. Replies to Amnesty international's considerations**

### **3.1 Alleged discrimination against Roma, Sinti and Camminanti population**

3. It is necessary to move from point d), which is the unfairest to the commitment that the Italian State is making to protect vulnerable people who have real difficulties in accessing adequate housing.

4. The considerations made under point d) are attributable to two errors:

- I) the first is to believe that Roma, Sinti and Camminanti population is homogeneous;
- II) the second, consequential to the first, is to think that there may be ad hoc legislation for this population.

5. The first mistake is clearly evident from the approximation with which the defense of Amnesty tries to frame the aforementioned population. Point 62 of Amnesty International's Replies reads "*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*".

6. So, it is not possible to understand how much of this population is made up of Italian citizens or of people who can acquire Italian citizenship pursuant to articles 1 and 9 of Law 91/1992<sup>1</sup>, how much is made up of long-term residents, and how much of non-EU citizens without documentation.

7. Nor is this population registered for assessment, also in the light of the reluctance to the census opposed by its members.

8. Hence the fallacy of the conclusion, which tries to suggest that this population is discriminated against.

9. This is not the case, and in fact the deduced discrimination is not supported by factual elements, but by the use of the word "*nomads*" in some official documents (which may regard some members of this population but also of others) or by the expressions used by a Minister who is no longer part of the government team.

10. As already noted<sup>2</sup>, the new composition of the team has instead led to the overcoming of the government contract and the adoption of social inclusion policies for the benefit of the most vulnerable subjects (e.g. citizenship income, poverty fund), so that not only the statement of discrimination is not documented in fact but also the elements cited are not significant.

11. No law has ever distinctly considered belonging to the Roma, Sinti or Camminanti ethnic group as a condition for inferior treatment.

12. Also the observations under II) are incorrect: under penalty of violation of the principle of equality pursuant to art. 3 of the Constitution, a rule which, in equal conditions of vulnerability, should impose on the Italian State positive obligations to protect the Roma, Sinti and Camminanti population and not to protect other vulnerable people but of different ethnic backgrounds would not be admissible.

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<sup>1</sup> See paragraph 160 in Observations of the Italian State.

<sup>2</sup> See paragraph 126 in Observations of the Italian Government.

12. It should also be noted that in order to avoid discrimination, even *de facto*, and to end it, the National Office Against Racial Discrimination (UNAR) was designated by the National Contact Point (NCP) for Roma Integration Strategies, till 2020.

### **3.2. The insufficiency of the measures taken and the failure to implement positive obligations**

13. Amnesty international complains about the insufficiency of the measures adopted and the violation of the positive obligations to protect the Roma, Sinti and Camminanti population.

14. It has already been highlighted that the problem is badly posed, given that *ad hoc* legislation to protect only these ethnic groups and not equally vulnerable people in need of full protection of the right to housing is not conceivable.

15. In this regard, legislation to support the social inclusion of vulnerable people has been adopted and is being implemented through various funds and subsidies, as well as through the activation of cultural strategies aimed at overcoming forms of marginalization and finding out the measures of existing protection.

#### **3.2.1. Citizenship income**

16. Concerning the measures in force to fight poverty, social exclusion, inequality, the most relevant in Italy is the so called Reddito di cittadinanza.

17. After the experience of the Support for Active Inclusion (SIA), the further extension of the “*experimental social card*”, in 2018 there entered into force the first national measure against poverty (called REI – minimum income for inclusion) that provided both financial and service support to families in need, covered by the Anti-poverty Fund.

18. Then, decree law 4/2019, approved on January 2019, sanctioned the birth of the Reddito di cittadinanza (the new minimum income measure in Italy) that substituted REI as a measure to fight poverty, inequality and social exclusion.

19. For the first time, with REI and Reddito di cittadinanza, a structural measure to fight poverty - based on the principle of active inclusion – was introduced at national level identifying appropriate models of intervention for the most vulnerable population. The benefit is universal and concerns all households that meet the necessary requirements.

20. The law is aimed at economic support and social inclusion of those exposed to the risk of social and labour marginalization.

21. The provision amounts to 5,906.8 million euro for the year 2019, to 7,166.9 million euro for the year 2020, to 7,391 million euro for the year 2021 and 7,245.9 million euro for the year 2022.
22. Starting from April 2019, the law provides for the introduction of the new income measure for individuals and households in conditions of particular economic and social hardship.
23. It provides a mechanism that guarantees a minimum level of subsistence, as well as the promotion of conditions that make the right to work and training effective.
24. The benefit will be between 480 and 9,360 euro per year, in consideration of specific parameters, and is provided for a continuous period of no more than 18 months (it can be renewed after a month's suspension).
25. The work placement is secured by a custom path that will involve activities to serve the community, professional retraining, completion of studies, other commitments to social inclusion and integration in the labour market.
26. The national programming act for Poverty Fund resources, is the national Plan for anti-poverty social interventions and services, approved in May 2017.
27. The Plan identifies the development of the interventions and services necessary for the implementation of REI/RDC; within this plan there are also some specific interventions and services to fight poverty for the homeless (and, more generally, for those who are in extreme poverty) in which the complexity of the need may be such as to require specific accompanying strategies of intensity and specialization.
28. These interventions are allocated a share of 20 million euro in structural terms, based on the model already agreed at the Unified Conference aimed at promoting housing first policies (Guidelines to combat serious marginalization in Italy approved at the Unified Conference on 5/11/2015, an essential part of the Plan with regard to the planning of services for the homeless).
29. It should be noted that since the definition of the Partnership Agreement in 2014, the Ministry of labour and social policies has shaped the national policy for homeless and most deprived people through a complementary use of EU Funds and national funds.

30. In November 2015 an inter-institutional work carried out in cooperation with NGO and relevant stakeholders brought to the publication of the abovementioned “Guidelines on combating adults heavy marginalisation”.

31. The guide lines contain the following statements: Poverty is a multidimensional phenomenon; Deprived people are a resource (not only a cost); Housing is a human right.

32. In the same guidelines, the following main recommendations are also indicated:

ensuring public governance of the policy concerning homelessness; overcoming fragmentation and sectoral responses; promoting, spreading and integrating social innovation in the present system; ensuring an integrated strategic model of intervention based on collocation, collaboration, co-operation; promoting active inclusion through a multidimensional care planning (taking charge).

33. The Guidelines are binding for institutions and stakeholders using public funding from their own budget as well as from EU budget (structural funds for the most part) for the strengthening of social and health services involved in the prevention of homelessness giving uniform instructions to qualify them.

### **3.2.2. The "Buono Casa" (Home voucher) and best practices**

34. At local level, some local authorities, including the Municipality of Rome and Catania and Marche Region, have adopted the Buono Casa, addressed to all families in housing emergency for not having yet had access to popular housing; it is an additional measure to the rent contribution pursuant to law 431/1999 (referred to by Amnesty international).

35. The housing emergency was faced by Municipalities in an attempt to combine the protection of legality with the protection of vulnerable people. Here are some examples.

- a. *"Reduction of existing settlements for relocation to social housing solutions"* - Municipality of **Genoa**. At the Municipality of Genoa, in May 2014 there were about fourteen settlements, of which two authorized camps and twelve not authorized ones. As for the former settlements, in May 2015 Via Adamoli settlement was closed down;



and all Roma (about 70 people of whom 40/45 children = 17 Roma families) were included in social housing solutions. As for the latter, 33 Roma families (with children) were included either in social housing solutions or in hotels or similar emergency housing solutions (such as gym) - and those in hotel with children were subsequently relocated into social housing solutions. As for those families with children in hotel, in order to allow their access to social housing, local Authorities granted "fictitious" fixed abode at the local Department of Social Policies. With the aim of ensuring an inclusive - and not exclusive - approach, this measure fell within a wider mainstream project for vulnerable groups. However, as for the situation of the settlements in Genoa under consideration, it has to be considered that only Roma and Sinti live in those camps - and not other vulnerable groups. Therefore, relevant actions targeted only them. The Municipality of Genoa developed socio-educational support measures for Roma families in view of their inclusion in social housing solutions, including a 2-year financial support for house rental.

- b. “Active Pathways for Roma families Inclusion in Housing Solutions” (Support measures for social integration and autonomous living forms). The municipality of **Cagliari** has developed inclusion pathways in the field of social housing and of other forms of dwellings.
- c. Intervention programs for improving living conditions in Roma camps (Regional support measures for Municipalities involved in improving the living conditions of Roma and Sinti in settlements). **Emilia-Romagna** Region provided regional support measures for Municipalities involved in improving the living conditions of Roma and Sinti in settlements. Even though this program started in 2012 and specific actions were concluded in 2014, Emilia-Romagna Region allocated - and still does – specific resources for Municipalities. Plus, it is preparing, jointly with Local Authorities, a specific regional plan of action for Roma and Sinti – illustrated during a workshop held in Bologna, on November 13, 2015. On that occasion, this Region also presented its new specific legislation on Roma, as adopted in July 2015 (Act No. 11/2015). By this legislation, Emilia-Region envisaged various forms of dwellings for Roma and Sinti, including social housing solutions and micro-areas - the latter following a request put forward by Sinti;

- d. Comprehensive support measure for social housing inclusion and legal status – For a long time, the Municipality of **Florence** has been covering and taking care of the living conditions of Roma families in Poderaccio settlement. In particular, it provides support for Roma families, including inclusion in various social housing formulas, legal counselling (for regularization/legal status), and access to social services.
- e. Support for inclusion in ERP (ERP, acronym standing for Public Social Housing) solutions. The Municipality of **Palermo** launched this specific measure to promote the inclusion in ERP solutions for Roma families from La Favorita settlement. In the course of 2015, four Roma families moved to ERP-related houses. Furthermore, this Municipality is planning additional actions to reduce the number of Roma in this settlement.
- f. In 2012 the **Milan** Municipality approved the “Strategic Guidelines of the Municipality Actions on the issues regarding the Roma Sinti and Camminanti population living in Milan” which were set in cooperation with the third sector associations and organisations operating on the territory of Milan.

### **3.2.3. Focus on The National Operational Program (PON) “Metropolitan Cities 2014 - 2020”**

36. The National Operational Program (PON) "Metropolitan Cities 2014 - 2020" was adopted by the European Commission with Decision C (2015) 4998 of 14 July and can count on a financial endowment of over 858.9 million euro, of which 650.2 from the Regional Development Fund (FESR) and related national co-financing share and 208.7 from the European Social Fund (FSE) and related national co-financing share.<sup>3</sup>

37. Under the legal ownership of the Territorial Cohesion Agency, the Program, supports the priorities of the national urban agenda and, in the framework of the sustainable urban development strategies outlined in the Partnership Agreement for the 2014-2020 programming, it is in line with the objectives and strategies proposed for the European Urban

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<sup>3</sup> A new version of the program that provides for an increase of the amount to 870 million euro following the attribution of bonuses is going to be approved

Agenda which identifies the key territories in urban areas to meet the challenges of smart, inclusive and sustainable growth posed by Europe 2020 Strategy.

38. The metropolitan cities involved are 14: Turin, Genoa, Milan, Bologna, Venice, Florence, Rome, Bari, Naples, Reggio Calabria, Cagliari, Catania, Messina and Palermo. The capital cities are identified as urban Authorities (AU), pursuant to Article 7 of Regulation (EU) 1301/2013 and assume the role of Intermediate Body (OI) on the basis of a specific act of delegation by the Agency for Territorial Cohesion, to which the role of PON Management Authority (AdG) is assigned.

#### **3.2.4 Interventions to promote the socio-economic integration of third-country nationals and communities that need inclusion such as the Roma**

39. The Partnership Agreement relating to 2014 - 2020 programming provides, among other indications, also for the need to activate integrated actions aimed at reducing marginality and promoting the inclusion of Roma, Sinti and Camminanti populations. In particular with reference to PON Metro, in accordance with the national inclusion strategy, the Partnership Agreement provides for the possibility of financing the following actions:

- structural actions to facilitate access to non-segregated living;
- accompanying actions aimed at promoting access to non-segregated living and full interaction with the wider community of residents.

40. Consistent with these indications, PON Metro intervenes primarily through the preparation of individualized plans aimed at individuals and families for the creation of accompanying paths to the house within which the global taking in of needs linked to the issues of job placement, schooling, health integration, interrelation with the communities of residents, etc. must be assured.

41. The action can also be integrated with action 4.1.1 of the Program, which provides for the construction of housing and structures to encourage the housing insertion of people in difficult situations.

42. In compliance with these indications, some Municipalities, which as Intermediate Bodies are responsible for identifying the interventions to be financed with the program, have identified the target of people belonging to marginalized communities as specific target for

the overcoming of housing poverty, giving the possibility, to nuclei that agree to leave the fields to access a home, to be accompanied through active inclusion paths, which provide not only for accompanying to the house, but for all the interventions necessary to promote non-segregated living, both as regards the nucleus (educational paths, health education, etc.) and as regards the wider community of residents.

43. The table below summarizes the municipalities that have activated this type of action, a brief summary of the contents of the operations financed and the relative level of implementation.

44. As can be seen from the table<sup>4</sup> till January 29, 2020, resources were activated on specific inclusion paths by 8 Municipalities compared to the 14 metropolitan cities for a total of approximately 9 million euro. 3 projects are already underway and have spent around € 1 million starting the taking on of a total of 84 people.

### **3.2.5. European funds**

45. What follows is the remarkable planning currently underway out of European funds (for around € 2m).

46. In the context of the programming of 2014-2020 Structural Funds, through the activity of coordination of UNAR in the context of national programming tables, funds have been set aside for the implementation of the RSC Strategy, through the insertion of a dedicated Thematic Objective (OT) that expressly provides for the *"Increase in the level of education, health conditions and social and working participation of Roma, Sinti and Camminanti populations, in connection with the national Roma inclusion strategy"*, with total resources equal to around € 14m.

47. Through an exchange of views between the regional realities and the intermediate bodies, it was possible to insert this objective also within the National Metropolitan Operational Plan (PON Metro) and in some Regional Operational Plans (POR).

**a) Project *"Housing transitions"* with ISTAT. (Start: 2018; end: 2020; amount: 200,000 euro)**

In continuity with the previous research project on the topic and with the specific intent to monitor the framework of interventions activated at the local level and aimed at overcoming

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<sup>4</sup> Annexe 1

settlements, UNAR gave start in 2018 to a biennial project - currently underway and entrusted through an agreement to ISTAT - aimed at a qualitative and quantitative investigation activity for the definition of the number and methods through which - starting from the launch of the Strategy - people belonging to the RSC communities abandoned the so-called settlements to move to other forms of housing.

The project, financed with the funds of PON Inclusion, avails itself of the support of the Statistical Working Group and the presence of a representative of the National RSC Platform.

**b) P.A.L. project, "Local Action Plans".** (Start: 2018; end: 2020; amount: 550,000 euro) To facilitate the complex governance process of the National Inclusion Strategy, with a focus on the local level, always within the scope of PON Inclusion, the public project called "PAL" (Local Action Plans) was launched in 2018, promoted by UNAR, for the realization of "Pilot interventions for the creation of local tables and networks of citizens and representatives of local administrations". The aim of the project (which affects the cities of Rome, Cagliari, Milan, Genoa, Naples, Bari, Messina and Catania) is to set up and animate local dialogue and coordination tables linked to the municipal administrations concerned, aimed at promoting the synergy of policies and interventions in favour of RSC communities, while promoting their participation in social, political, economic and civic life.

48. For the residual amounts, there are "Culture and Memory" and "Health" Projects.

49. There is also a further planning out of the European funds (for about 9 million euro), divided among:

**1) P.A.R. Project, "Regional Action Plans".** (Estimated start: 2019; end: 2021; amount: 1,200,000), to establish and animate the Regional Dialogue Tables, which are also provided for in RSC Strategy.

**2) "ACCEDER" project, for access to the labour market.** (Estimated start: 2019; end: 2022; maximum amount: 8.6m). This is a particularly important measure, also in the light of the complaints contained in the Replies filed by Amnesty international regarding the lack or precariousness of the working conditions of this population

**3) Project "Communication for the fight against anti-Gypsyism".** (Estimated start: late 2019/ early 2020; end: 2021; maximum amount: 300,000). The project will focus on conveying - mainly through social media - positive inclusion and integration messages in education and

work, involving and targeting in particular the territories characterized by the presence of RSC settlements.

### **3.2.6. Roma, Sinti and Camminanti project for children.**

50. The project for inclusion and integration of Roma, Sinti and Camminanti is promoted by the Italian Ministry for Labour and Social Affairs, with the Ministry of Education and the Istituto degli Innocenti. Its first implementation dates back to December 2012. The European and national legal framework of the project lies in the “National Strategy for Inclusion of RSC 2012-2020”, adopted by Italian Government to implement the communication nr. 173/2011 from the European Commission.

51. The Project’s purposes are to develop processes of inclusion for RSC children, to reduce their discrimination and to strengthen local communities by creating integration between school, RSC families and children and social services.

52. The implementation of actions have three core elements: the cooperative learning as an educational strategy; the assessment of families towards school and local services; the strengthening of the capacity of the municipality to act through multidisciplinary and multi-level teamwork, and the exchange of expertise and practices at national level.

53. The inclusion of RSC population is a priority of PON (National Operational Program) “Inclusion” 2014-2020, that supports the definition of common patterns of intervention for the fight against poverty and that promotes new models of social interventions and integration of people and communities that risk social exclusion through coordinated actions and pilot projects.

54. Therefore, the prosecution of the implementation of RSC project inside PON Inclusion 2014-2020 represents a challenge and a scaling up of its relevance and support.

55. During the period 2017-2019, the aims of the project were the consolidation of interventions and their progressive self-sufficiency.

56. Therefore, the first year covered: the starting up of the project’s activities, the strengthening of local governance with the creation of an inter-institutional table, the building of the multidisciplinary team and the adoption of a local plan for the inclusion of RSC community.

57. The school integration and inclusion was pursued through the involvement of groups of teachers in a training pathway for trainers that were scheduled during the project, and that had to be sustainable after the conclusion of the implementation.

58. Final targets of the project were children and adolescents aged 6 to 14 years and their families. Particular attention was given to children aged from 3 to 5 with activities to promote their early schooling provision and to adolescents that were attending vocational training and were at risk of school dropping out.

59. UNAR and MIUR organized various bilateral meetings aiming to identify a set of programming initiatives in the framework of the Strategy in order to discuss a number of cases and critical issues related to RSC minors, and the procedures for sharing the tools and the financing opportunities for the promotion of the inclusion of Roma in schools with the NGOs and the communities. These meetings were organized through an institutional confrontation table as part of the Observatory for the Integration of Foreign students and for intercultural issues. In recent months MIUR has published notices ( through PON School but also through funds invested locally or regionally), dedicated to schools at risk of dropping out which are communicated to the NGOs in order to facilitate their participation and in order to create networks with the educational establishments.

### **3.2.7. The labour issue**

60. In the Replies Amnesty complains about the failure to implement strategies for job integration, such as to make the economic supports for renting or buying a house vain.

61. Actually the General Directorate on Immigration and Integration Policies (Ministry of Labor and Social Policies) has developed over the last years a number of projects, aimed at promoting the integration and inclusion of vulnerable groups of migrants in the labour market, to be also extended to Roma people of a foreign origin, such as the project RE.LAR and the programme ASSAP (Systemic actions for the development of integrated system of services for individuals), aimed at improving access to labour while combating the irregular one.

62. In terms of good practice of a local level, mention has to be made of the following:

- Socio-labour support for Roma inclusion, especially in the labour market. Municipality of **Florence**. This is a mainstreaming measure in accordance with Arts. 2, 3 of the Italian Constitution, which targets approx. 500 Roma people living in various social housing

solutions in the Municipality of Florence. Moreover, approx. 426 more Roma people living in Poderaccio settlement (of whom 46% are children) have full access to labour market. Some have access to mainstreaming services; some are supported by social-care mediators; and others have signed permanent job contracts. As for the latter, at the end of 2014, according to data made available by the Municipality, 69 Roma people (= 53 men; 16 women) had regular job-related income; 27 more people (19 men; 8 women) resulted to be working on a daily basis. Against this background, due to the economic crisis, some Roma also lost their job and resorted to social security measures. These are permanent measures, aimed at facilitating individualized exit pathways, in particular from the settlement. The Municipality activated specific vocational trainings for youngsters, aged 15-18 - and over. For example, in 2015, ten youngsters, aged 14 and more enrolled in vocational training. As for the duration and effectiveness of this measure, the family commitment is essential. Should it fail, this hinders the individualized pathways, especially for girls, exposed to early marriage. At the end of 2014, 24 youngsters obtained a diploma/certificate, of whom 10 in the course of 2014/2015 managed to find a related job while 4 found a different job not directly related to relevant training; and 1 did an internship reflecting his skills (while 8 more resulted to be unemployed).

- "Active inclusion pathways (Social integration measure)" by the Municipality of **Cagliari**. Despite budgetary constraints, the Municipality concerned keeps implementing the measure under reference, aimed at systematizing job inclusion pathways. As mentioned under the Section on Housing, the Municipality of Cagliari envisages resources amounting to 220,000.00 Euro for each structured pathway, including access to social housing and job market. However, the local circumstances show the difficulties of job inclusion due to very poor qualifications and skills hindering the extension of initial work experiences.

- "Searching for the job (Cercando il lavoro)" - Municipality of **Vicenza**. This is a structured measure, which provides for: 1. social helpdesks for families – by which to provide information on the access to the labour market; 2. "Cercando il lavoro" project; 3. vocational training; 4 individualized pathways; 5. extension of the project "Reddito di ultima istanza (Income of last instance)", now converted into "Cittadinanze Re-Incontrate (Re-met citizenships)", aimed at supporting those families with a very low income. The aim is to facilitate the non-discriminatory access to the labour market; the regularization of existing jobs such as the iron collection and the systemic introduction of a gender perspective. The



specific project "Cittadinanze Re-Incontrate" came to an end in June 2015. However, its extension is under consideration.

- "Città possibile (A possible city)" - Municipality of **Turin**. This is a multi-level structured measure, which considers support for job inclusion and individualized pathways for each and every Roma family. Until November 2015, 633 Roma benefitted from this support, of whom 170 Roma children. To ensure the integration process in Romania, a network of NGOs was activated to support and monitor voluntary repatriation pathways. Support in Romania included, as follows: 1. logistics support for the transfer; 2. general support and monitoring; 3. direct economic support for the daily life in Romania during the initial period, in addition to support and payment of local services with the aim of facilitating self-entrepreneurship experiences; 4. reimbursement of vocational training, monitored by local partners, in addition to the above network. As for those who remained in Italy, 33 Roma people had access to vocational training, of whom 15 were confirmed with a permanent job contract.

- "Permanent actions for the access to labour market (through the involvement of the ad hoc Unit at the Municipality of **Milan**)" - Social Emergency Centres and Centres for Housing Autonomy. By the above two Centres (CES and CAA), social care providers support Roma families inclusion in job and housing pathways. However, these two measures are of a mainstreaming nature and are intended for all the disadvantaged.

63. The definition of the measures within the Work axis falls essentially within PON Inclusion program, in particular in action 9.5.5., "Recognition of skills, training and employment mediation aimed at job placement, on the model of good practice recognized at European level called Acceder Program "(with a budget of around € 9,000,000.00 of which UNAR is the beneficiary).

64. UNAR has recently carried out a feasibility study and an intervention model for a pilot project based on the ACCEDER program successfully tested in Spain, considered a best practice by the community bodies and included in RSC national strategy as a model to be replicated on the national territory.

65. The model provides for personalized occupational inclusion interventions which include: analysis of skills, professional training, psychological and motivational assistance, analysis of possibilities and employment integration.

66. The planned actions consist of pilot and experimental projects for subsequent implementation by the competent administrations:

- information, awareness and experimentation interventions aimed at promoting the approach of Roma and Sinti to financial instruments (micro credit and micro finance for self-entrepreneurship) and to training courses for access to dependent and autonomous work and overcoming bureaucratic-administrative barriers that prevent the regularization of precarious or informal work;
- pilot interventions for the analysis of skills, individualized pathways to support self-entrepreneurship and professional training, psychological and motivational assistance, analysis of employment opportunities;
- experimentation with qualifying courses such as internships and working experiences, aimed at job placement and self-entrepreneurship courses: training, coaching.
- national and international monitoring and networking interventions for the implementation of job placement actions.

67. It should be noted that the public notice A.P.A.D., promoted by UNAR in 2016, provided for a specific action (B.2) to accompany young RSCs to work orientation and experiential learning paths.

#### **4. The role of UNAR**

68. The coordination activity on the subject of housing was carried out through a series of meetings of the interdepartmental Table on Housing (the last one was held in Rome on November 27, 2018), in which the authorities managing the main community programs, the departments, municipalities and regions most affected by the phenomenon took part (PON Metro and PON Inclusion).

69. In 2018 and 2019 numerous events were organized by UNAR on the occasion of the main dates linked to the memory of the Porrajmos, through moments of public recollection and in-depth studies on the subject of deportations and the internment of Roma and Sinti in Italy.

70. Regarding the fight against anti-Gipsyism, UNAR organized two editions of a training course dedicated to young Sinti and Roma together with the Council of Europe, with the specific objective of creating informal networks and providing tools for fighting discrimination.

71. The focus of the last edition, which witnessed the participation of about 30 young RSCs with a high educational background (university students, professionals, activists, artists), was on online anti-gipsyism (hate speech) and on the methods of fight and counter-narrative.

73. A third meeting will be held on the subject on July 3rd. With reference to the theme of cultural promotion, there was the remarkable organizational and financial support provided by UNAR for the creation of "Futuroma", the first pavilion dedicated to Roma culture and art at the 58th Venice Biennale, inaugurated on 10 May.

74. In order to better understand and outline the framework of intervention, UNAR carried out the "First national survey on Roma, Sinti and Caminanti settlements" with ANCI and ISTAT.

75. The picture emerged concerns about 30,000 RSC people who live in these settlements, compared to a majority of the Roma and Sinti community (estimated by the Council of Europe at around 150,000 people) who have always lived "in normal homes".

76. An important fact that photographs a reality that is far from the general perception of the phenomenon and that resizes the critical picture making housing interventions with this "minority" possible. The activity of this GDL has intensified in the last two years and has led to the drafting of a project based on European funds, detailed in the attached 1.

77. In 2018, it was deemed appropriate to discuss the issues related to the Housing axis of intervention of the National Strategy for the inclusion of Roma, Sinti and Camminanti communities with the local actors. One of the objectives of the new meeting held on 27 November 2018, in which 20 representatives of the regions and of the main metropolitan cities were involved, was to analyze the various proposals for action, the critical points and good practices that resulted from the debate between regional and local level.

78. Seeking collaborations between different levels of government based on shared objectives, whenever it was possible, allowed not only to obtain a coherent framework of the current situation, but also to plan and implement measures in accordance with the principle of the National Strategy for the inclusion of Roma, Sinti and Camminanti communities.

79. Some elements of the research on the Roma settlements previously mentioned were presented in the course of the work of the meeting, before the debate that involved all the participants, and it is important to mention that an important focus on the financial resources was dedicated to the inclusion of Roma minorities.

#### **4.1. The activities of CAHROM (Council of Europe)**

80. The CAHROM (Ad Hoc Committee of Experts on Roma Issue) is a committee set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with the Resolution CM/Res(2011)24 on intergovernmental committees.

81. More specifically the committee prepares researches, advice and evaluations for the development and/or implementation of policies and measures on the integration issues of Roma communities adopted by the Member States of the Council of Europe.

82. Among the main tasks, besides collecting, sharing and promoting information in accordance with the Council's standards, and systematically contributing to creating good practices for the integration of Roma, Cahrom has also the task of preparing recommendations to submit to the Committee of Ministers.

#### **5. The gradualness of measures**

83. As shown in the previous paragraphs, the last few years have been characterized by a significant increase in active policies in support of marginalization situations, with particular regard to the housing problem and with a special focus on families of Roma, Sinti and Camminanti populations.

84. Amnesty international regrets the gradualness of measures, the irrelevance of the adaptation to the right to respect for family life pursuant to art. 8 ECHR given the greater importance of the protection referred to in art. 31 of the revised European Social Charter.

85. From the latter point of view, the Italian Government excludes the existence of a relationship of mutual exclusion between the two protections, which actually are certainly complementary, as both are aimed at ensuring the broadest protection of two fundamental rights, the right to respect for family life and the right to housing.

86. As for the gradualness of the processes in progress, reference is made to what is reported in points 140 et seq. of the observations of the Italian government, as well as the consideration made in point 84 of the Replies of Amnesty international, according to which the objectives contained in the Charter must be achieved in a "reasonable time"; the gradualness of the

process is provided for by art. 31, no. 2 of the Charter. The progress achieved has been widely demonstrated.

## **6. The absence of the violation of art. 31 of the Charter, read alone or jointly with letter E**

87. Please refer to paragraphs 3) and 4) of the Observations of the Italian State for legal considerations relating to the non-existence of the alleged violations, which is absolute in relation to the alleged discriminatory profile.

88. The lack of discrimination has been further clarified in these Replies, also reporting the positive actions carried out by UNAR to prevent even de facto discrimination.

## **7. The order of immediate measures**

89. The Economic and Social Rights Committee on 4 July 2019 adopted the "*decision on immediate measures*", asking the Italian State to take the necessary measures

*"-to ensure that persons evicted are not rendered homeless;  
- to ensure that evictions do no result in the persons concerned experiencing unacceptable living conditions "*.

90. The Italian State believes that it has demonstrated in the paragraphs above that the measures taken are suitable to prevent and face the envisaged dangers.

91. In fact, in the state of implementation of the legislation, the "*Citizenship Income*" has been provided for, European funds have been committed with specific regard to the housing problem, the "*house voucher*" has been provided for, there are facilitated conditions for the rent of houses and for access to microcredit and insertion programs in the working context, in addition to the possibility of participating in the rankings for popular housing in conditions of equality with respect to other applicants.

### **Attached document:**

1) Summary table of the measures taken.

Rome, 31<sup>st</sup> January 2020

drafted by

Giuseppe Albenzio

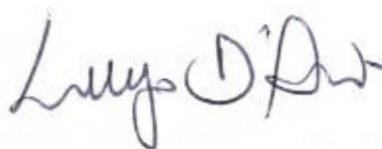
Lucrezia Fiandaca

Deputy Attorney General of the State

Attorney of the State

Lorenzo D'Ascia

The Agent of the Italian Government

A handwritten signature in black ink, appearing to read "Lorenzo D'Ascia". The signature is written in a cursive, flowing style with some loops and flourishes.