

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



European  
Social  
Charter

Charte  
sociale  
européenne



27 March 2025

**Case Document No. 1**

**European Roma Rights Centre (ERRC) v. Italy**  
Complaint No. 244/2025

**COMPLAINT**

**Registered at the Secretariat on 11 March 2025**

European Committee of Social Rights  
Council of Europe

By email only: [DGI-ESC-Collective-Complaints@coe.int](mailto:DGI-ESC-Collective-Complaints@coe.int); [social.charter@coe.int](mailto:social.charter@coe.int).

11 March 2025

Re: Introduction of a New Collective Complaint and URGENT Request for the  
Indication of Immediate Measures

## **EUROPEAN ROMA RIGHTS CENTRE v ITALY**

Respected,

In accordance with Rule 23 and Rule 36 of the Rules of the European Committee of Social Rights, the European Roma Rights Centre (ERRC), as a complainant organization, is writing to introduce a collective complaint against Italy.

We respectfully request that the Committee urgently indicate to the Italian Government the adoption of immediate measures necessary to avoid irreparable harm to the Romani families currently facing eviction in Giugliano (Via Carrafiello), Naples.

The eviction may take place at **any time but no later than 30 April 2025** as per the judgment of the Tribunale di Napoli, Ninth Civil Section, in Case No. Proc. 3547 — 1 / 2024 R.G , adopted on 17 February 2025. (Annex 1)

This complaint includes the following sections:

- a. Admissibility**
- b. Summary of the Facts**
- c. Violations of the European Social Charter (Revised)**
- d. Request for Indication of Interim Measures**

## **a. Admissibility**

1. Italy is a State party to the 1996 Revised European Social Charter (Revised Charter) and to the Additional Protocol Providing for a System of Collective Complaints. It signed the European Social Charter on 18 October 1961 and ratified it on 22 October 1965. The European Social Charter entered into force with respect to Italy on 21 November 1965. Italy signed the Revised European Social Charter on 3 May 1996 and ratified it on 5 July 1999, with the exception of Article 25, which is not at issue in this Complaint.<sup>1</sup> The Revised Charter entered into force with respect to Italy on 1 September 1999. Italy signed the Additional Protocol Providing for a System of Collective Complaints on 9 November 1995 and ratified it on 3 November 1997. The Additional Protocol entered into force with respect to Italy on 1 July 1998.
2. This complaint is brought by the European Roma Rights Centre, AISBL (hereafter: “ERRC”),<sup>2</sup> a Roma-led international public interest organization based in Brussels, Belgium with a consultative status with the Council of Europe and entitlement to submit collective complaints under Article 1(c) of the Additional Protocol of 1995.
3. The ERRC has a proven track record of advocating for the rights of Roma in Europe. In particular, the ERRC has a long history of involvement in cases related to the forced eviction of Romani communities, and its legal team has expertise in dealing with discrimination and antigypsyism.
4. The ERRC has a standing with the RESC collective complaint mechanism since June 2002 and is currently registered in the list of international NGO’s entitled to submit a collective complaint for a period of 4 years: 1 July 2022 – 30 June 2026.<sup>3</sup> The complaint has been duly signed by Mr. Dorde Jovanovic, the President of the ERRC, who according to the attached Statute of the organization (Annex 2), is entitled to sign on its behalf.
5. The standing of the ERRC before the Committee is well established in several complaints previously brought before the Committee, including Complaint No. 27/2004 European Roma Rights Centre (ERRC) v. Italy,<sup>4</sup> Complaint no.

---

<sup>1</sup> Italy signed the RESC with the following declaration contained in a Note Verbale from the Permanent Representation, handed to the Secretary General at the time of deposit of the instrument of ratification, on 5 July 1999: “Italy does not consider itself bound by Article 25 (the right of workers to the protection of their claims in the event of the insolvency of their employer) of the Charter.”

<sup>2</sup> [www.errc.org](http://www.errc.org).

<sup>3</sup> See GC(2022)26 : <https://rm.coe.int/gc-2022-26-bil-list-ingos-01-01-2023/1680a99bfc>.

<sup>4</sup> Complaint No. 27/2004 European Roma Rights Centre (ERRC) v. Italy, available at: <https://rm.coe.int/no-27-2004-european-roma-rights-center-errc-v-italy-case-document-no-1/1680740851>.

- 21/2005 European Roma Rights Centre (ERRC) v. Bulgaria,<sup>5</sup> Complaint no.51/2008 European Roma Rights Centre (ERRC) v. France,<sup>6</sup> Complaint no. 185/2019 European Roma Rights Centre (ERRC) v. Belgium,<sup>7</sup> etc.
6. This complaint is closely related to previous complaints brought to the European Social Committee which highlight systemic issues related to housing rights and the treatment of Romani communities in Italy such as Complaint No. 27/2004 European Roma Rights Centre (ERRC) v. Italy,<sup>8</sup> Complaint No. 58/2009 Centre on Housing Rights and Evictions (COHRE) v. Italy,<sup>9</sup> and Complaint no. 178/2019 Amnesty v. Italy.<sup>10</sup> In the latest Committee of Ministers Recommendation CM/RecChS(2024)43 in response to Amnesty International's complaint against Italy (Complaint No. 178/2019) the Committee affirmed that Italy's ongoing forced evictions, particularly affecting the Roma community, violate the Revised European Social Charter. The Committee noted that Roma, Sinti, and Caminanti face systemic discrimination, including lack of adequate housing, segregation, and limited access to social housing. The Italian government was urged to end forced evictions, implement a coordinated national approach for Roma inclusion, and provide sustainable housing solutions. The recommendation also emphasized the need for combating anti-gypsyism and ensuring equal access to social housing for Roma and Sinti. Additionally, the Committee called for specific follow-up actions, with Italy expected to report on the progress made towards compliance in two years.<sup>11</sup>
7. The ERRC in cooperation with its local partners in Italy has been closely monitoring the eviction of Romani families in Giugliano, Naples, and the authorities' failure to provide adequate alternative housing solutions. Notably, the ERRC has been familiar with this particular community since 2011, following their struggles and advocating for their rights over the years. In May 2021, the European Roma Rights Centre (ERRC) published a census detailing

---

<sup>5</sup> Complaint no. 21/2005 European Roma Rights Centre (ERRC) v. Bulgaria, available at: <https://rm.coe.int/no-31-2005-european-roma-rights-center-errc-v-bulgaria-case-document-n/16807408dd>.

<sup>6</sup> Complaint no.51/2008 European Roma Rights Centre (ERRC) v. France, available at: <https://rm.coe.int/no-51-2008-european-roma-rights-centre-errc-v-france-case-document-no-/1680740aee>.

<sup>7</sup> Complaint no. 185/2019 European Roma Rights Centre (ERRC) v. Belgium, available at: <https://rm.coe.int/cc185casedoc1-en-complaint/168096f74a>.

<sup>8</sup> Complaint No. 27/2004 European Roma Rights Centre (ERRC) v. Italy, available at: <https://rm.coe.int/no-27-2004-european-roma-rights-center-errc-v-italy-case-document-no-1/1680740851>.

<sup>9</sup> Complaint No. 58/2009 Centre on Housing Rights and Evictions (COHRE) v. Italy, available at: <https://rm.coe.int/no-58-2009-centre-on-housing-rights-and-evictions-cohre-v-italy-case-d/16807420ed>.

<sup>10</sup> Complaint no. 178/2019 Amnesty v. Italy, available at: <https://rm.coe.int/cc178casedoc1-en/168093aac2>.

<sup>11</sup> Recommendation CM/RecChS(2024)43 of the Committee of Ministers to member States on Amnesty International v. Italy, Complaint No. 178/2019 (Adopted by the Committee of Ministers on 23 October 2024 at the 1510th meeting of the Ministers' Deputies), available at: <https://search.coe.int/cm/fre?i=0900001680b201a5>.

the forced evictions of Roma in Italy from January 2017 to March 2021.<sup>12</sup> The report reveals that Italian authorities have conducted at least 187 evictions of homes inhabited by Romani individuals, affecting 3,156 people, many of whom were left homeless or forced into unstable housing solutions.<sup>13</sup>

8. This complaint is based on information received by the ERRC from Associazione 21 Luglio ETS in February and March 2025.<sup>14</sup> Associazione 21 Luglio ETS is an Italian non-governmental organization committed to promoting and protecting the rights of Romani, Sinti and Caminanti communities, with a particular focus on those living in formal and informal settlements as well as institutionalized camps across Italy.<sup>15</sup> The organization has extensively documented the structural discrimination faced by Roma in access to housing, education, and basic services. Associazione 21 Luglio ETS has been actively monitoring the situation of Romani families in Giugliano, Naples, where authorities have failed to provide adequate alternative housing solutions following evictions, leaving families in dire humanitarian conditions. Their research, advocacy, and legal interventions have been instrumental in exposing human rights violations and holding national and local authorities accountable for their obligations under domestic and international law.

## **b. Summary of the Facts**

9. There is no precise official data regarding the number of Romani people living in Italy. The Council of Europe estimates that there are about 140,000 Roma, Sinti and Caminanti in Italy, representing around 0.23 per cent of the population of the country.<sup>16</sup> Italy's National Strategy for Roma Inclusion states that the number is between 120,000 and 180,000.<sup>17</sup> These communities include Italian citizens (about 50 percent), people from other European Union countries and from the former Yugoslavia, and stateless people. Only about 2 to 3 percent of

---

<sup>12</sup> The full data can be accessed here: <https://bit.ly/2TcG6XY>.

<sup>13</sup> *Ibid.*

<sup>14</sup> <https://www.21luglio.org/>.

<sup>15</sup> Associazione 21 Luglio ETS, Report 2023: Romani Communities in Formal and Informal Settlements in Italy, available at: <https://www.21luglio.org/2018/wp-content/uploads/2024/04/Rapporto-intero-con-ISBN.pdf>.

<sup>16</sup> See the Council of Europe webpage on estimates of Roma in European countries including Italy at <https://www.coe.int/en/web/portal/roma>.

<sup>17</sup> Available in English at [https://ec.europa.eu/info/files/italy-national-strategy-roma-inclusion\\_en](https://ec.europa.eu/info/files/italy-national-strategy-roma-inclusion_en); and in Italian at [http://ec.europa.eu/justice/discrimination/files/roma\\_italy\\_strategy\\_it.pdf](http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_it.pdf).

Roma continue to practice a nomadic way of life.<sup>18</sup> According to recent studies, about 26,000 Romani people live in camps and settlements, either informal or built by the authorities, and in segregated centres, where they are at continued risk of forced evictions.<sup>19</sup> The persistent lack of data regarding the composition and needs of the Romani population in Italy has been repeatedly criticized by international human rights bodies, most recently in 2017 by the UN Committee on the Elimination of Racial Discrimination (CERD).<sup>20</sup>

10. Giugliano, a city in the province of Naples within the Campania region, has a population of approximately 120,000. According to Associazione 21 Luglio ETS, around 11,000 of its residents are Roma, Sinti, and Caminanti.<sup>21</sup> Romani communities have been present in the area for around 30 years. Between 2004 and 2006, the municipality of Giugliano established an authorized camp for Romani residents in the town's industrial zone, consisting of 24 housing units. These units were assigned in March 2011 to 22 out of the 75 Romani families who applied through a public selection process. The remaining 53 families were excluded from housing and were forced to reside in informal settlements, facing multiple forced evictions over the years.<sup>22</sup>
11. In December 2012, the municipality of Giugliano decided to construct a new camp in the area known as "Masseria del Pozzo" to temporarily accommodate

<sup>18</sup> See the report of the Italian Senate's Extraordinary Commission for the protection and promotion of human rights: Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani, Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia, 9 February 2011, available at: <http://www.senato.it/documenti/repository/commissioni/dirittiumani/16/Rapporto%20conclusivo%20indagine%20rom,%20sinti%20e%20caminanti.pdf>.

<sup>19</sup> See the 2017 annual report of the Italian non-governmental organization Associazione 21 luglio at [http://www.21luglio.org/21luglio/wpcontent/uploads/2018/04/Rapporto\\_Annuale-2017\\_web.pdf](http://www.21luglio.org/21luglio/wpcontent/uploads/2018/04/Rapporto_Annuale-2017_web.pdf). Associazione 21 luglio's estimate is consistent with research conducted jointly by the Italian statistical institute, ISTAT, the national association of Italian communes, ANCI, and the national office against racial discrimination, UNAR, which, in 2017, mapped the presence of authorized and informal settlements in local authorities with more than 15,000 residents and concluded that there were between 23,000 and 28,000 Romani people residing in such settlements. See: Gli insediamenti Rom, Sinti e Caminanti in Italia, by Monia Giovannetti, Nicolò Marchesini, Emiliana Baldoni, at [http://www.cittalia.it/images/Gli\\_insediamenti\\_Rom\\_Sinti\\_e\\_Caminanti\\_in\\_Italia\\_.pdf](http://www.cittalia.it/images/Gli_insediamenti_Rom_Sinti_e_Caminanti_in_Italia_.pdf); see also <https://www.slideshare.net/slideshare/c-freguja-progettazione-di-un-sistema-informativo-pilota-per-il-monitoraggio-dell'inclusione-sociale-delle-popolazioni-rom-sinti-e-caminanti>.

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

<sup>21</sup> Source: <https://www.ilpaeseidicampi.it/>.

<sup>22</sup> Città di Giugliano, Deliberazione del Commissario Prefettizio N.10, Progetto preliminare per l'allestimento di un'area in località Masseria del Pozzo, adibita a campo sosta temporanea a bassa soglia di accoglienza per la popolazione Rom, 6 December 2012, at [http://www.comune.giugliano.na.it/commissario/consiglio/delibera\\_n10.pdf](http://www.comune.giugliano.na.it/commissario/consiglio/delibera_n10.pdf). See also: Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani - Resoconto sommario n. 37 del 05/03/2014, Seguito dell'indagine conoscitiva sui livelli e i meccanismi di tutela dei diritti umani, vigenti in Italia e nella realtà internazionale: audizione di rappresentanti di associazioni sulla condizione del campo rom di Giugliano (Napoli), available at: [https://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=00750896&part=doc\\_dc\\_sedetip\\_pigenbl\\_sdcisleidtddiviienr&parse=no&sm\\_au=iVVSZq5QHHt47Q4M](https://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=00750896&part=doc_dc_sedetip_pigenbl_sdcisleidtddiviienr&parse=no&sm_au=iVVSZq5QHHt47Q4M).

Romani individuals. Official documents explicitly identified Roma as the target group for the camp.<sup>23</sup> Construction was completed between March and April 2013, and Romani families were relocated there,<sup>24</sup> despite serious health and safety concerns due to the site's proximity to toxic landfills in the "Terra dei Fuochi" area.<sup>25</sup>

12. The camp lacked adequate housing structures, providing only communal sanitation facilities and infrastructure. Residents were permitted to construct makeshift shacks or park caravans. Municipal regulations limited residency in the camp to 60 days, with a maximum extension of four additional periods, though this limitation was not enforced in practice.<sup>26</sup> Over time, the camp became uninhabitable due to insufficient access to water, sewage, and electricity.
13. By 2014, the deteriorating conditions at Masseria del Pozzo were widely condemned. A delegation from the Italian Senate's Extraordinary Commission on Human Rights visited the camp in March 2014 and described it as "*an intolerable shame*."<sup>27</sup> In October 2015, judicial authorities ordered the seizure of the camp, citing severe health risks, and instructed the municipality to remove the residents.
14. In February 2016, rather than consulting with residents on alternative housing solutions, the Municipality of Giugliano, the Campania Region, and the Ministry of Interior signed an agreement to construct another segregated Romani camp. This plan, despite purportedly aligning with Italy's National Strategy for Roma Inclusion, only provided for the creation of another mono-ethnic settlement rather than genuine housing integration. The funding for the new camp increased

<sup>23</sup> Città di Giugliano, Deliberazione del Commissario Prefettizio N.10, Progetto preliminare per l'allestimento di un'area in località Masseria del Pozzo, adibita a campo sosta temporanea a bassa soglia di accoglienza per la popolazione Rom, 6 December 2012, at [http://www.comune.giugliano.na.it/commissario/consiglio/delibera\\_n10.pdf](http://www.comune.giugliano.na.it/commissario/consiglio/delibera_n10.pdf).

<sup>24</sup> Città di Giugliano in Campania, Deliberazione della Commissione Straordinaria, N.120, 19 December 2013, [http://www.comune.giugliano.na.it/commissario/commissione/2013/delibera\\_n120.pdf](http://www.comune.giugliano.na.it/commissario/commissione/2013/delibera_n120.pdf).

<sup>25</sup> Agenzia regionale protezione ambientale Campania (ARPAC), microsite on "Terra dei fuochi", <http://www.arpacampania.it/web/guest/1084>, ARPAC, Terra dei fuochi: Relazione sulle attività svolte dal 23.12.2013 al

29.01.2015, <http://www.arpacampania.it/documents/30626/0/TDF%20RELAZIONE%20ALLEGATA%20AL%20DECRETO%2012%20FEBBRAIO%202015.pdf>, ARPAC, Terra dei Fuochi: primi risultati delle indagini, ARPA Campania Ambiente, 15 February 2015, <http://www.arpacampania.it/documents/30626/0/articolo%20dal%20magazine%20n.3-2015.pdf>.

<sup>26</sup> Città di Giugliano, Deliberazione del Commissario Straordinario, N.33, 26 March 2013, [http://www.comune.giugliano.na.it/commissario/consiglio/2013/delibera\\_n33.pdf](http://www.comune.giugliano.na.it/commissario/consiglio/2013/delibera_n33.pdf). The regulations are available at [http://www.comune.giugliano.na.it/allegati/3235Regolamento\\_ROM.pdf](http://www.comune.giugliano.na.it/allegati/3235Regolamento_ROM.pdf).

<sup>27</sup> Manconi: Il campo rom di Giuliano è una vergogna intollerabile, 14 March 2014, available at [https://www.senato.it/application/xmanager/projects/leg17/file/Comunicato%20stampa.pdf?sm\\_au=iVVSrDHJ5N0WkBTQ](https://www.senato.it/application/xmanager/projects/leg17/file/Comunicato%20stampa.pdf?sm_au=iVVSrDHJ5N0WkBTQ).



from an initial EUR 1.3 million to EUR 2.5 million, with no clear plan for long-term housing inclusion.

15. On 21 June 2016, approximately 300 Roma, including children, were forcibly evicted from Masseria del Pozzo and relocated to the site of a former fireworks factory in Giugliano. Residents were not given written notice before the eviction and were provided only verbal information about the move. Upon arrival, they discovered that the new site was in deplorable condition, with debris, no electricity, inadequate water supply, and only two functioning toilets. Some families who lacked caravans were left homeless and forced to sleep in their cars or outdoors.
16. In the years following the eviction, conditions at the former fireworks factory site remained dire. Civil society organizations documented substandard living conditions, including rat infestations, lack of sanitation, and extreme weather vulnerability. Many children were not enrolled in school, and access to medical services was severely limited.
17. In November 2017, the Italian Minister of Interior reaffirmed plans to build a new segregated camp, now labeled an “eco-village.” Funding commitments increased to EUR 2.5 million, with EUR 700,000 provided by the Ministry of Interior. However, in January 2018, Italy’s Council of State ruled that the municipality must deliberate on a proposal for a local referendum regarding the camp’s construction. Subsequently, Giugliano’s municipal council decided to explore alternative housing solutions that would align with Italy’s commitment to ending segregated Romani camps.
18. Despite these developments, by October 2018, Romani families continued to reside at the former fireworks factory site in conditions violating Italy’s obligations under the Revised European Social Charter. Reports indicated that children in the camp suffered from beta-hemolytic streptococcus infections, and flooding worsened their already precarious living situation.<sup>28</sup>
19. On 5 April 2019, a mayor’s office ordinance announced the imminent eviction of around 460 Romani people residing in the Via del Vaticale camp in the Municipality of Giugliano, for public health reasons. The municipality issued a resolution for alternative housing solutions for Roma, but no proposal was ever made to the families. On the morning of 10 May 2019, law enforcement arrived and forced the families to leave the settlement on Via del Viaticale. According to numerous testimonies gathered, both before and during the eviction, the Roma had been verbally ordered to leave the Giugliano area and threatened that if they

---

<sup>28</sup> Complaint no. 178/2019 Amnesty v. Italy, available at: <https://rm.coe.int/cc178casedoc1-en/168093aac2>.



refused, their residence would be cancelled and their children taken into state care. The 460 Roma ended up occupying an abandoned area in the Giugliano industrial area, located in Via Carrafiello, where they continue to reside to this day.<sup>29</sup>

20. According to a report by Associazione 21 Luglio ETS the settlement subject of this collective complaint is located along Via Carrafiello, on the far western outskirts of the city of Giugliano in Campania, near Lake Patria. The area was occupied by a community of Roma originally from the former Yugoslavia in 2019, following the eviction from the settlement on Via Vicinale Viaticale, which took place in May of the same year. There are approximately 80 families, totaling 460 people, originally from Bosnia and Herzegovina. The area, isolated from the urban context, is surrounded by mounds of waste, with services either absent or severely inadequate. The dwellings are constructed from leftover materials.<sup>30</sup>
21. On 13 January 2024, a devastating incident occurred at the Giugliano camp (Via Carrafiello) when 7-year-old Romani girl named Michelle was electrocuted and died due to faulty electrical wiring. The incident sparked public outcry, but tragically, the media attention quickly shifted toward allegations of violent behaviour by the grieving family members at the hospital, overshadowing the root cause of Michelle's death – the unsafe and hazardous conditions of the camp.<sup>31</sup>
22. Following Michelle's death, media reports indicate that the Provincial Committee for Public Order and Safety convened to address the situation. One of the proposed solutions was relocating approximately 50 individuals from the camp to a property seized from organized crime.<sup>32</sup>
23. On 25 January 2024, local authorities, including the police, Carabinieri, military personnel, and water company employees, were sent to the camp. In the aftermath, waste was removed, electrical cables were secured, and vehicles were seized. However, these actions were followed by the disconnection of the water supply, leaving the remaining 450 Romani residents without access to clean water.

---

<sup>29</sup> European Court Orders Italy to Rehouse Roma Evicted from Giugliano, available at:

<https://www.errc.org/press-releases/european-court-orders-italy-to-rehouse-roma-evicted-from-giugliano>

<sup>30</sup> Associazione 21 Luglio ETS, Report 2023: Romani Communities in Formal and Informal Settlements in Italy, available at: <https://www.21luglio.org/2018/wp-content/uploads/2024/04/Rapporto-intero-con-ISBN.pdf>

<sup>31</sup> ERRC, Giugliano, Naples: the short life and sudden death of Michelle, a Romani child born in a camp, available at: <https://www.errc.org/news/giugliano-naples-the-short-life-and-sudden-death-of-michelle-a-romani-child-born-in-a-camp>.

<sup>32</sup> See: <https://videoinformazioni.com/40-rom-del-campo-di-giugliano-in-stabile-sequestrato-alla-criminalita/>.

24. On 2 February 2024, an Italian man named Francesco Micillo filed an urgent petition under Article 700 of the Italian Code of Civil Procedure before the Naples Court, asserting ownership of land in Giugliano (Via Carrafiello), specifically at "Masseria Pigna" and "Masseria Provvidenza." He alleged that the land, primarily agricultural (covering approximately 75 hectares), had been unlawfully occupied by unidentified individuals of Romani ethnicity who had established a permanent settlement, including unauthorized structures and makeshift dwellings. Additionally, he claimed that these occupants were involved in illegal waste disposal, including hazardous materials, creating significant environmental risks.<sup>33</sup>
25. On 1 March 2024, the ERRC filed a formal complaint to the Prefect of Naples and the Mayor of Giugliano, highlighting the dire housing situation at the Giugliano camp (Via Carrafiello). The ERRC's complaint called for an urgent investigation into the institutional failures that have left the community without essential services and viable housing alternatives. It also demanded that the Prefect of Naples and the Mayor of Giugliano develop a comprehensive plan for adequate and sustainable housing solutions for all families residing in the camp. The ERRC further emphasized that any proposals should be tailored to each family unit's potential and needs, ensuring long-term sustainability and non-segregated housing. The housing process should be coupled with the inclusion and regularization of adult employment, fostering autonomy and self-sufficiency. These actions, if promptly implemented, will not only address immediate challenges but also contribute to creating a more secure and stable living environment in the long term. (Annex 3)
26. On 6 March 2024, the ERRC filed a separate complaint with the Public Prosecutor at the Court of Naples North, the Public Prosecutor at the Juvenile Court, and the Police, calling for a thorough investigation into potential institutional negligence and safety violations that may have contributed to the tragic death of young Michelle. (Annex 4)
27. In April 2024, the Municipality of Giugliano launched the first call for applications, offering five apartments of 120 square meters to accommodate around 50 people. Meanwhile, protests erupted among Italian citizens in Giugliano, opposing the allocation of housing to Roma families. Some non-Roma families in protest occupied the apartments intended for the Roma

---

<sup>33</sup> See Annex 1.

families who won the tender.<sup>34</sup> The five families selected in this round ultimately refused the offer.

28. On 3 June 2024, the Naples Court partially granted Micillo's petition, ordering the immediate eviction of all unlawful occupants and clearing of the land. The enforcement of this eviction order Proc. 3547 / 2024 R.G. was delegated to the judicial officer of the Naples North Court, with law enforcement assistance mandated under Articles 68(3) of the Code of Civil Procedure and 14 of Royal Decree No. 12 of 1941. The judicial officer was to execute the order with police assistance to ensure compliance.<sup>35</sup> (Annex 5)
29. In September 2024, the Municipality of Giugliano issued a second call for applications, to which another five families—totaling 50 individuals, including 25 minors—applied. However, the municipality never provided a response. In this second call, the municipality introduced a new eligibility criterion requiring applicants to have a clean criminal record.
30. On 12 November 2024, Micillo filed a follow-up petition, alleging that the judicial officer had failed to initiate the eviction process. He requested the court to issue additional measures compelling the judicial officer to enforce the order. The court set a hearing and notified all involved parties, including public entities responsible for enforcement.<sup>36</sup>
31. On 17 February 2025, the Tribunale di Napoli Nord, Ninth Civil Section, issued Judgment Proc. 3547 — 1 / 2024 R.G. The court reaffirmed its previous eviction order and deemed the judicial officer's inaction unjustified. It set a new enforcement deadline of 30 April 2025, emphasizing that the eviction should be carried out with medical assistance due to concerns over the poor living conditions and health risks faced by the occupants.<sup>37</sup>
32. The ruling confirmed that **the eviction order applies erga omnes (to all individuals present on the land) without requiring additional formalities, such as prior notice.** The court also mandated that law enforcement authorities act immediately upon request, with any unjustified refusal or delay potentially leading to legal consequences, including criminal liability for public officials obstructing enforcement.<sup>38</sup> However, the judgment did not address alternative accommodation for the evicted Romani families, nor did it consider the impact on the rights and vulnerabilities of the occupants, especially those with minors.

---

<sup>34</sup> <https://www.avvenire.it/attualita/pagine/il-caso-di-giugliano-in-campaniale-case-destinate>.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

33. On 8 March 2025, the Prefect of Naples made a statement regarding the situation at the Giugliano camp, emphasizing the necessity of complying with a judicial ruling. He stated: *"There is a provision of the judge, and like all judicial provisions, it must be respected. A deadline has been set, which also involves the Municipality of Giugliano, and we must comply with this ruling."*<sup>39</sup>

### **c. Violations of the European Social Charter (Revised)**

#### **Violations of Article 31 and Article E in the Giugliano (Via Carrafiello) Forced Eviction Case**

34. The ERRC asserts that Italy's actions related to the imminent forced eviction of Romani families in Giugliano (Via Carrafiello), Naples, scheduled to take place no later than 30 April 2025, violate Article 31 and Article E of the Revised European Social Charter. These provisions guarantee the right to adequate housing and protection from discrimination. The upcoming eviction, along with the ongoing failure to provide adequate alternative housing, highlights Italy's non-compliance with these international obligations.

##### **Article 31 of the Revised Charter states:**

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

- 1. to promote access to housing of an adequate standard;*
- 2. to prevent and reduce homelessness with a view to its gradual elimination;*
- 3. to make the price of housing accessible to those without adequate resources.*

##### **Article E of the Revised Charter states:**

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

35. The eviction in Giugliano (Via Carrafiello) illustrates a wider pattern of non-compliance where Italian authorities fail to provide:

- Adequate alternative accommodation in line with international standards;

---

<sup>39</sup> More details can be found in the original report: <https://www.teleclubitalia.it/prefetto-di-bari-a-giugliano-commissione-lavorera-al-meglio-rom-rispettare-sentenza-sgombero/>.

- Genuine consultations with affected individuals to explore feasible housing solutions;
- Reasonable notice and procedural safeguards to protect affected families from homelessness.

Forced evictions that do not meet these criteria are inherently in violation of the European Social Charter (Revised), as they undermine the right to housing and disproportionately impact Roma communities, amounting to discrimination under Article E. The eviction process lacks the necessary procedural safeguards, fails to provide adequate alternative housing, and disproportionately impacts Roma communities, amounting to systemic discrimination.

36. The ERRC has consistently documented the housing situation of Roma in Italy, including the continued failure of authorities to comply with their obligations under Article 31 and Article E. This case exemplifies Italy's ongoing breaches of these provisions, as local authorities are failing to provide adequate alternative accommodation while forcibly removing Romani families from their homes.

37. The eviction of Romani families in Giugliano (Via Carrafiello) is exacerbating homelessness while perpetuating systemic discrimination and segregation. It exemplifies the ongoing failure of Italian authorities to ensure equal access to adequate housing for Roma, instead subjecting them to a continuous cycle of forced evictions, temporary accommodations, and informal settlements. These practices reinforce housing insecurity and social exclusion, constituting a clear violation of Italy's obligations under the Revised European Social Charter.

38. International and regional human rights treaties to which Italy is a party establish the fundamental principle that all individuals must be equally protected against forced evictions. This protection is enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 17 of the International Covenant on Civil and Political Rights (ICCPR), and Article 8(1) of the European Convention on Human Rights (ECHR).

39. The Committee on Economic, Social and Cultural Rights (CESCR) defines forced evictions as *"the permanent or temporary removal against their will of individuals, families, and/or communities from the homes and/or land they occupy, without the provision of, and access to, appropriate forms of legal or*

*other protection.*"<sup>40</sup> This definition underscores that all persons, regardless of their legal tenure status, are protected from forced evictions.

40. Forced evictions are explicitly prohibited under international law. The Committee on Economic, Social and Cultural Rights (CESCR) has affirmed that "*forced evictions are prima facie incompatible with the requirements of the Covenant.*"<sup>41</sup> Consequently, the prohibition on forced evictions constitutes an immediate obligation for states.<sup>42</sup> In this regard, states must ensure that all individuals, regardless of their tenure status, are provided with sufficient security of tenure to guarantee legal protection against forced eviction, harassment, and other threats in a non-discriminatory manner.<sup>43</sup>

41. As part of their duty to respect the right to adequate housing, states must refrain from carrying out, supporting, or advocating forced or arbitrary evictions. They are also required to respect individuals' rights to build and organize their homes in ways that align with their cultural, social, and practical needs. The obligation to respect housing rights includes ensuring equal treatment, the right to privacy of the home, and the protection of other fundamental rights related to housing.<sup>44</sup>

42. To comply with their obligations, authorities must ensure that proper legal, procedural, and practical safeguards are in place, including:

- a) Providing those affected with complete and timely information about the proposed eviction;
- b) Issuing adequate and reasonable notice before the eviction takes place;
- c) Conducting genuine consultations with affected individuals to explore all feasible alternatives to eviction;
- d) Ensuring adequate alternative accommodation in accordance with international and regional human rights standards for those who cannot provide for themselves, preventing homelessness and other human rights violations;
- e) Guaranteeing access to legal remedies and, where necessary, legal aid to enable affected persons to effectively challenge eviction decisions.<sup>45</sup>

---

<sup>40</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 8(a).

<sup>41</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 18.

<sup>42</sup> OHCHR Fact Sheet 25 on Forced Evictions p 21 at [https://www.ohchr.org/Documents/Publications/FS25\\_Rev.1.pdf](https://www.ohchr.org/Documents/Publications/FS25_Rev.1.pdf).

<sup>43</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (Article 11.1 of the Covenant), 1 January 1992, para 8(a).

<sup>44</sup> OHCHR Fact Sheet 21 on the Right to Adequate Housing at [https://www.ohchr.org/Documents/Publications/FS21\\_rev.1\\_Housing\\_en.pdf](https://www.ohchr.org/Documents/Publications/FS21_rev.1_Housing_en.pdf).

<sup>45</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Article 11.1 of the Covenant), 20 May 1997, especially paras 13 and 16.

43. CESCR General Comment No. 7 on the right to adequate housing imposes an obligation on states to ensure that evictions do not involve any form of discrimination.<sup>46</sup> The principle of non-discrimination is an immediate and cross-cutting obligation under Article 2(2) of the Covenant, requiring states to ensure that all economic, social, and cultural rights—including the right to adequate housing—are protected without discrimination. Discrimination is defined as any distinction, exclusion, restriction, or preference based on prohibited grounds, which directly or indirectly nullifies or impairs the recognition, enjoyment, or exercise of Covenant rights on an equal basis.<sup>47</sup> Prohibited grounds under Article 2(2) include race, national or social origin, among others.<sup>48</sup>

44. Various UN treaty bodies have condemned forced evictions, particularly those motivated by discrimination against ethnic minorities. The Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD), and the Committee Against Torture (CAT) have all criticized forced evictions that disproportionately affect marginalized groups.

45. The Committee Against Torture (CAT) has ruled that state acquiescence in the violent forced eviction of an ethnic minority community can amount to cruel, inhuman, and degrading treatment.<sup>49</sup>

46. The European Court of Human Rights (ECtHR) has also determined that the manner in which an eviction is carried out—particularly when combined with property destruction and the personal circumstances of the victims—may constitute a violation of Article 3 of the European Convention on Human Rights (prohibition of inhuman or degrading treatment).<sup>50</sup>

47. Furthermore, the ECtHR has condemned forced evictions as violations of Article 8 of the European Convention on Human Rights, which protects the right to respect for private and family life and the home. The Court has established that an eviction constitutes a violation of Article 8 if it lacks essential procedural safeguards and a legitimate justification for such a severe interference with human rights. In such cases, the eviction cannot be deemed necessary to meet a ‘pressing social need’ or proportionate to the legitimate aim pursued.<sup>51</sup>

---

<sup>46</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Article 11.1 of the Covenant), 20 May 1997, especially para 10.

<sup>47</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the international covenant on economic, social and cultural rights) para 7.

<sup>48</sup> See also Article 2(1) and 26 ICCPR and Article 1 ICERD.

<sup>49</sup> *Hijrizi v. Yugoslavia*, Communication No. 161/2000: Yugoslavia, UN Doc. CAT/C/29/D/161/2000 (2 December 2002).

<sup>50</sup> *Dulas v Turkey* (2001), Application No. 25801/94, judgment of 30 January 2001 para 54.

<sup>51</sup> *Connors v United Kingdom*, (2004) Application No. 66746/2001, judgment of 27 May 2004.



48. Similarly, the ECtHR has found a violation of Article 8 in cases where applicants facing demolition and forced eviction from their homes were denied an assessment of the proportionality of the interference, as required under Article 8. The Court also found that national authorities had failed to conduct genuine consultations with the applicants regarding re-housing options, based on their needs and prior to their eviction.<sup>52</sup> The ECtHR has emphasized that if an eviction is likely to result in homelessness, the authorities must undertake a thorough examination of the justification for such an action.<sup>53</sup> Moreover, the Court has stressed that, as required by numerous international and Council of Europe instruments, alternative accommodation must be provided in cases of forced eviction of Roma and Travellers. National authorities are required to recognize that such applicants belong to a vulnerable minority and must give special consideration to their specific needs and way of life when determining solutions for unlawful occupation of land or in decisions on alternative housing.<sup>54</sup>

49. Italy has ratified several international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, which guarantees the right to adequate housing and prohibits forced evictions. However, forced evictions are not explicitly prohibited under Italian national law, and no clear guidelines exist for law enforcement officials and other authorities on how to comply with human rights standards before, during, and after evictions.<sup>55</sup> While legal provisions regulate evictions from rented properties, there is no legal framework governing evictions from informal settlements, authorized or tolerated camps, leaving families without security of tenure and exposing them to violations of their rights to family life, home, privacy, and essential socio-economic rights such as work, health, and education.<sup>56</sup>

50. On 1 September 2018, following the establishment of the Northern League – Five Stars Movement coalition government, the Ministry of Interior issued a circular providing guidance to prefects on addressing the arbitrary occupation of property, including through swift forced evictions. The circular states that, according to jurisprudence, the right to property is only partially limited by the need to protect the primary needs of the most vulnerable individuals ("...il diritto di proprietà receda limitatamente ed esclusivamente a fronte di quelle

---

<sup>52</sup> Bagdonavicius and Others v. Russia (2016) Application No. 19841/06, judgment of 11 October 2016.

<sup>53</sup> Marzari v Italy [1999] 28 EHRR CD 175.

<sup>54</sup> Winterstein and Others v. France (2013) Application No. 27013/07, judgment of 17 October 2013 80 National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities – European Commission Communication No. 173/2011, p 78.

<sup>55</sup> See the Basic Principles and Guidelines on Development Based Evictions and Displacement, available at [http://www.ohchr.org/Documents/Issues/Housing/Guidelines\\_en.pdf](http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf), and developed by the UN Special Rapporteur on Housing.

<sup>56</sup> On the Edge: Roma, Forced Evictions and Segregation in Italy, Amnesty International Index: EUR 30/010/2012.

situazioni che possono pregiudicare l'esercizio da parte degli occupanti degli impellenti e irrinunciabili bisogni primari per la loro esistenza, collegati a una particolare condizione di vulnerabilità"). It further instructs that evictions should be carried out promptly, with considerations regarding the welfare of affected individuals only addressed afterward ("...necessità di attendere agli sgomberi con la dovuta tempestività, rinviando alla fase successiva ogni valutazione in merito alla tutela delle altre istanze." ).<sup>57</sup>

51. The circular also directs authorities to conduct a census of people living in irregularly occupied properties to determine whether they have relatives who could support them. Only if no familial support is available to vulnerable individuals and groups (as determined by social services) should authorities consider providing any form of assistance. No support is envisaged for forcibly evicted individuals who are not classified as vulnerable. This restrictive approach disregards international legal obligations and human rights standards on forced evictions, leaving many at risk of homelessness and further human rights violations.<sup>58</sup>

52. The imminent forced eviction in Giugliano (Via Carrafiello), as well as Italy's general handling of forced evictions, disproportionately affects the Romani community and further entrenches discrimination against ethnic minorities. In the absence of a comprehensive legal framework protecting individuals from forced evictions, Italy has continued to forcibly remove Romani families from informal settlements across the country.

53. Monitoring by the NGO Associazione 21 Luglio recorded at least 230 forced evictions in 2017, affecting over 1,500 Romani individuals, with 28 evictions in Rome and 20 in Milan in 2016 alone.<sup>59</sup> In May 2021, the European Roma Rights Centre (ERRC) published a census documenting the forced evictions of Roma in Italy from January 2017 to March 2021.<sup>60</sup> The report reveals that Italian authorities conducted at least 187 evictions of homes inhabited by Romani individuals, affecting 3,156 people, many of whom were left homeless or forced into unstable housing situations.<sup>61</sup> While comprehensive, this census is not exhaustive. It includes evictions from both formal and informal camps, based on reports from media, activists, and NGOs. In the monitoring period April 2014 – December 2017, the ERRC recorded 318 forced evictions of Roma. While the

---

<sup>57</sup> The circular is available at [http://www.interno.gov.it/sites/default/files/circolare\\_2018\\_0059445.pdf](http://www.interno.gov.it/sites/default/files/circolare_2018_0059445.pdf).

<sup>58</sup> *Ibid.*

<sup>59</sup> <https://www.21luglio.org/rapporto-annuale-2017-26-mila-rom-emergenza-abitativa-2/> and <https://www.21luglio.org/rapporto-annuale-2016/>.

<sup>60</sup> The full data can be accessed here: <https://bit.ly/2TcG6XY>.

<sup>61</sup> *Ibid.*

total number of evictions in the latest census has decreased, the nature of these evictions remains consistent across various Italian governments.<sup>62</sup>

54. These evictions are routinely carried out without providing affected individuals with complete or adequate information about the process. Authorities fail to engage in genuine consultations to explore feasible alternatives, do not provide adequate notice, and deny affected individuals the opportunity to challenge the eviction or seek an effective remedy. In many instances, families are not given any legal documentation, such as a court order authorizing the eviction. Additionally, local authorities frequently justify evictions on health and safety grounds, using such concerns to accelerate eviction procedures in ways that violate international human rights standards on evictions.

55. As demonstrated by the present case, evictions continue to be planned and executed without offering adequate alternative accommodation. Due to the lack of clear domestic legislation, local authorities operate under the assumption that they are not required to provide alternative housing to individuals affected by evictions, including entire families with minors. This practice blatantly disregards international human rights obligations, which mandate that adequate alternative housing be provided to those in need.<sup>63</sup>

56. The frequent outcome of forced evictions is that families, after being forcibly removed and denied alternative housing, are left homeless and often forced to rebuild makeshift shelters, often in even more precarious conditions. Romani families are trapped in a vicious cycle, where each forced eviction increases their vulnerability to further evictions and other human rights violations. Personal belongings are often destroyed during the eviction process, and many families face multiple evictions within a span of just a few years or even months.

57. Beyond the immediate trauma, especially for children, forced evictions disrupt education for children and employment for adults. Children who are enrolled in school are often forced to abandon their education or change schools after each eviction, or at the very least, their education is interrupted for weeks or even months. Adults who are employed often cannot justify their absence from work on the day of an eviction, which sometimes leads to the loss of their jobs.<sup>64</sup>

58. Until 2023, children from the Giugliano camp attended a highly segregated school with a predominantly Romani student population, effectively creating a

---

<sup>62</sup> <https://www.errc.org/press-releases/italy-has-evicted-more-than-three-thousand-roma-since-2017>.

<sup>63</sup> See the Basic Principles and Guidelines on Development-based Evictions and Displacement, para 43.

<sup>64</sup> Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan, Amnesty International Index: EUR 30/022/2011, p 52-53.

"ghetto school" for pre-schooling. To address this issue, the Abramo Project was implemented, funded by the Campania region and involving the Municipality of Giugliano, the Campania region, the Prefecture of Naples, the Regional School Office, and the Juvenile Prosecutor's Office at the Juvenile Court of Naples. Currently, 78 Romani children are enrolled in formal education, attending five primary schools, two infant schools, and two middle schools. Any eviction would significantly disrupt their schooling, violating their right to education as protected under national and international law. Furthermore, the Municipality of Giugliano has secured €1.9 million from the Ministry of Social Policies specifically for the education and support of these children, who now face displacement.

59. Based on the information provided above, the imminent forced eviction of Romani families from the Giugliano (Via Carrafiello) camp underscores Italy's continued violations of its obligations under the Revised European Social Charter. The absence of legal protections, failure to provide adequate alternative housing, and discriminatory practices against Romani families perpetuate a cycle of housing insecurity and social exclusion, directly infringing on their human rights and deepening their vulnerability. Italy must immediately halt the imminent eviction, adopt a human-rights-compliant approach to housing, and establish legal safeguards to prevent further forced evictions in violation of the Revised European Social Charter and other international legal obligations.

#### **d. Request for Indication of Interim Measures**

60. The constant risk of forced evictions in Giugliano, compounded by the approaching deadline of 30 April 2025, places Romani families in a highly vulnerable situation. Without urgent intervention, these families face displacement into conditions even more precarious than those they already endure. We respectfully request that the Committee of Social Rights take immediate action to prevent further violations of their rights and to safeguard their health, safety, and dignity and urgently issue the following interim measures to the Italian Government:

- **Immediate Protection from Further Evictions** We request that the Committee instruct the Italian government to immediately halt any further evictions and ensure that no Romani families are forcibly displaced from the Giugliano (Via Carrafiello) camp. This protection should be in place until a permanent and sustainable housing solution is developed and implemented, in full consultation with the affected

families. Evictions should not occur without appropriate and lawful notice, access to legal counsel, and the provision of adequate, alternative housing.

- **Provision of Temporary Accommodation** We request that the Italian government immediately provide safe and adequate temporary accommodation for all affected families. This accommodation must be located in safe, accessible areas with access to essential services such as water, sanitation, and electricity. It is crucial that families have secure tenure in these accommodations while a long-term solution is developed. The temporary accommodation must meet basic standards of decency and respect for the dignity of the families involved.
- **Development of a Long-term Housing Solution** We request that the Italian government, in consultation with the affected Romani communities and relevant stakeholders, urgently develop a comprehensive and non-segregated housing plan for all Romani families in Giugliano. This plan must ensure the provision of integrated, permanent housing that respects the dignity of the Romani communities, and guarantees access to social services, education, healthcare, and employment opportunities. The plan must prioritize non-segregated housing, providing families with an equal opportunity for social inclusion and integration into broader society.

Sincerely,



Đorđe Jovanović

President, European Roma Rights Centre.

Annexes:

- **Annex 1 :** Judgment of the Tribunale di Napoli, Ninth Civil Section, in Case No. Proc. 3547 — 1 / 2024 R.G;
- **Annex 2:** ERRC's Statute;
- **Annex 3:** ERRC's complaint to the Prefect of Naples and the Mayor of Giugliano;
- **Annex 4:** ERRC's complaint to the Public Prosecutor at the Court of Naples North, the Public Prosecutor at the Juvenile Court, and the Police;
- **Annex 5:** Order Proc. 3547 / 2024 R.G.