



17 April 2025

**Case Document No. 2**

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

**OBSERVATION OF THE GOVERNMENT ON THE  
REQUEST FOR IMMEDIATE MEASURES**

**Registered at the Secretariat on 15 April 2025**



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davanti alla Corte europea dei diritti dell'uomo*

**AVVOCATURA GENERALE DELLO STATO**

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

*Collective complaint n. 244/2025*

*European Roma Rights Centre (E.R.R.C.) vs. Italy*

**OBSERVATIONS OF THE ITALIAN GOVERNMENT  
ON THE REQUEST FOR IMMEDIATE MEASURES**

Ct 12208/2025

Avv. Marianna Polli

Proc. Paola Cardinale

Proc. Angelo D'Onofrio



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**I. Introduction.**

1. The European Roma Rights Centre (also “E.R.R.C.”) filed a collective complaint (no. 244/2025) against the Italian Government, denouncing the violation of article 31 of the Revised European Social Charter, also in combination with article E.
2. The President of the European Committee of Social Rights requested the Italian Government to present its observations on the collective complaint no. 244/2025 (“the Complaint”), submitted by European Roma Rights Centre (also “E.R.R.C.”) (“the Complainant”) and, in accordance with Article 36§2 of the Rules of Procedure, the President of the European Committee invited the Government to submit written comments on the request for immediate measures by 16 April 2025.
3. In compliance with this request, the present observations aim to contest the admissibility and merit of the Complaint, as well as the admissibility and merit of the request for urgent measures.
4. It should be noted that the European Committee of Social Rights has granted the Government a very short deadline (until 16 April) to submit observations on the urgent measures. For this reason, it has not been possible to engage in a timely dialogue with all the Administrations concerned. We therefore reserve the right to submit additional documentation at a later date.

**II. Subject Matter of the Complaint.**

5. By complaint dated 11 March 2025, the Complainants ask the adoption of immediate measures necessary to avoid irreparable harm to the Romani families currently facing eviction in Giugliano (Via Carrafiello), Naples.
6. The complaint originates from the judgment of the Court of Naples, ninth civil section, as the Court, with a ruling dated February 17, 2025, ordered the execution, without further delay, of the previous order dated June 3, 2024 and further specified the methods of execution.



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7. In this regard, it is pointed out that, with an appeal dated February 22, 2024, Mr. Micillo Francesco brought an action before the Court of Naples claiming to be the owner of lands in Giugliano on Via Carrafiello Nord, denominated “Masseria Pigna” and “Masseria Provvidenza”.

8. These lands have been illegally occupied by numerous, not better identified, individuals of “Roma” ethnicity, who, after having invaded them with cars, caravans and other various means, had also begun to live there permanently and, always for this purpose, proceeded to rise illegal buildings, as well as to install shacks, shelters and other structures without any authorisation.

9. The appellant complained that those “illegal” contractors would allow third parties to dump various wastes on the land at stake, including “special” and “hazardous” waste, generating the suspicion that they were also active participants in an illicit market of hazardous waste, with further negative consequences for the environment and for the soil, at risk of serious pollution.

These circumstances also emerge from a ruling of the Italian administrative judge (T.A.R. Campania, ruling no. 497/2025, **Annex 1**). According to the administrative judge, 59 Roma people are currently facing criminal charges for illegally occupying the area in Giugliano, Via Carrafiello Nord and for building unauthorised constructions without any permission. The City of Giugliano is also participating in the criminal proceedings, as it has been harmed by the squatting by the Roma families so that it aims to seek compensation for damages.

10. The occupation would concern land covering approximately 47,000 (forty-seven thousand) square metres.

11. Furthermore, Mr. Micillo specified that, in the aforementioned areas, over 1,000 people had settled, despite being in precarious and unhygienic conditions; that both the estates and the buildings and structures, built without authorisation by the “illegal” developers, were deprived of any services; that there was no regular supply of water and electricity; that the water and energy supply was illegally connected to public networks;



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that there were no sewer discharges; that the soil was invaded by sewage and full of waste; that the electricity supply cables (in several places stolen from the public networks) were not protected at all, so much so that on January 13, 2024 they caused the death by electrocution of a girl of only six years old; that, serving the shelters, there were “non-standard” and particularly dangerous systems, such as those for gas and electricity.

12. The Court, accepting the appeal of Mr. Micillo, ordered the immediate release of the occupied premises, free from things and people, arranging that the release take place through the Judicial Officer at the Court of Naples North (Annex 5 of the Complaint).

13. Furthermore, the Court provided that the release would take place with the assistance of the Police, dictating in a timely and precise manner the methods of implementing the release.

14. In November 12, 2024, Mr. Micillo Francesco again appealed to the Court of Naples North, highlighting that, despite the assignment of the task of implementing the release order to the Judicial Officer operating at the Court of Naples North, the release operations had not even begun. Consequently, he asked the Judge to issue all the most appropriate legal provisions, in order to implement the precautionary order already issued.

15. The Court, with a ruling dated February 17, 2025, accepted the appeal and, in addition to the previous order of June 3, 2024, mandated that the release of the property take place immediately or in any case by April 30, 2025 by the judicial officer operating at the Court of Naples North. Furthermore, it provided that the execution of the eviction take place, if necessary, with the assistance of medical personnel and the police force.

16. In its complaint No. 244/2025, the ERRC requests the Social Rights Committee to prevent further violations of the rights of the families currently occupying the above-mentioned lands and to safeguard their health, safety and dignity by ordering the Italian Government to urgently adopt provisional measures.

17. According to the Association's perspective, the impending forced eviction in Giugliano (Via Carrafiello), as well as Italy's general handling of forced evictions,



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disproportionately affects the Roma community and further reinforces discrimination against ethnic minorities.

18. For all these reasons, the Committee is requested:

- to order the Italian Government to immediately halt any further evictions and to ensure that no Roma families are forcibly displaced from 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 assistance and the provision of adequate alternative housing;
- to immediately provide safe and adequate temporary accommodation for all affected families, located in safe and accessible areas with access to essential services such as water, sanitation and electricity;
- to urgently develop in consultation with the affected Roma communities and stakeholders a comprehensive and non-segregated housing plan for all Roma families in Giugliano, ensuring the provision of integrated and permanent housing that respects the dignity of Roma communities and guarantees access to social services, education, healthcare and employment opportunities.

**III. Articles concerned.**

19. The Complainant seeks a declaration of infringement of the principles enshrined in the Revised European Social Charter, with particular reference to articles 31 and article E of the latter.

**IV. On the admissibility.**

20. It should be noted that, because of their collective nature, complaints should raise questions in general, concerning non-compliance of a Member State's law or practice with one or more of the provisions of the Charter. Complaints about individual situations may not be submitted.



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21. The collective complaint submitted by the ERRC lacks these features. For this reason, it must be declared inadmissible.

22. Indeed, the complaint filed by ERRC is aimed at challenging and paralysing the effects of a specific judicial eviction order, adopted by the Italian Judge to protect the property rights of a specific individual (Mr. Micillo) and is intended to produce effects against a plurality of specific and fully identifiable subjects.

Therefore, this complaint is about individual situations.

23. In addition, ERRC brought the Complaint in the interest of those who currently occupy the Giugliano camp and who would be affected by the release order of the Court of Naples. It therefore acts to protect a community of unidentified but identifiable subjects.

However, the ERRC would not be entitled to enforce the positions of these individuals, as there is no evidence of the attribution of the necessary representative power.

Consequently, ERRC is entitled to merely object the national policies on the subject matter at stake; while it is not entitled to appeal against specific measures such as the eviction order handed down by the Court of Naples, which wields effects over a well-identified circle of subjects in order to address a specific, local situation.

24. Moreover, the occupants of the land in Giugliano at Via Carrafiello Nord, for the protection of which ERRC is acting, could and should have availed themselves of the remedies provided for by domestic law, consisting of the precautionary complaint pursuant to Article 669 terdecies of the Code of Civil Procedure<sup>1</sup>.

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<sup>1</sup> Art. 669 terdecies code of civil procedure: <<A complaint may be filed against the order granting or denying the interlocutory injunction within a peremptory period of fifteen days from the pronouncement at the hearing or from the service or notification, whichever is earlier.

*The complaint against the measures of the single judge of the court shall be brought before the panel, of which the judge who issued the measure complained of cannot be a member. When the protective order was issued by the court of appeals, the complaint shall be brought to another chamber of the same court or, failing that, to the nearest court of appeals.*

*The procedure is governed by Articles 737 and 738.*

*Circumstances and grounds that have arisen at the time of the filing of the complaint must be proposed, in accordance with the principle of cross-examination, in the relevant proceedings. The court may always take information and acquire new documents. Referral to the first judge is not permitted.*





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However, the Complainant did not pursue these remedies and preferred to resort to the European Committee of Social Rights in order to obtain protection that was no longer obtainable in domestic law due to the failure to pursue domestic remedies in a timely manner.

The Collective Complaint is therefore inadmissible.

25. In this sense, it must also be considered that the acceptance of the Complaint would paralyse the effects of a domestic jurisdictional measure not timely challenged in the appropriate form through the use of the remedies available under national law. Acceptance of the Complaint would therefore result in the unlawful invasion of the Italian State's sphere of jurisdiction.

For these reasons too, the Complaint must be rejected.

26. Finally, it should be noted that pursuant to Article 36(2), a request for immediate measures made by an applicant organisation must specify the grounds, the likely consequences if the request is not granted, and the measures requested. The latter must be indicated in a specific and detailed manner. However, in the present case, the requests do not meet the requirements of Article 36.

**VI. On the merits.**

27. With the complaint, the Applicants ask for the adoption of several urgent measures. The ERRC firstly asks for '*Immediate Protection from Further Evictions*'. In particular, the ERRC asks the European Committee to '*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*'.

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*The panel, having summoned the parties, shall render, not later than twenty days after the filing of the appeal, a non-appealable order by which it confirms, modifies or revokes the precautionary measure. The complaint does not suspend the execution of the measure; however, the president of the court or the court hearing the complaint, when for reasons that have arisen the measure would cause serious damage, may by non-appealable order order suspend the execution or make it subject to the provision of adequate security>>.*



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28. In the opinion of ERRC, 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 counselling, and the provision of adequate, alternative housing.

29. This measure cannot be granted.

30. Firstly, the right to housing invoked by the Applicant cannot be guaranteed in situations such as the one at issue, where the interested parties have occupied areas of other people's property in violation of the law. The primary interest in the restoration of legality by the State comes into play. The social rights guaranteed by the European Social Charter cannot become the instrument through which to legitimise unlawful acts committed by those who wish to obtain the implementation of their social rights. Therefore, social rights must be implemented within the framework of legality.

31. Secondly, the Court of Naples adopted the order of eviction in upholding Mr Micillo's appeal, in order to protect his right to property, which had already been affected throughout the period during which the unlawful occupation of his estate endured. Consequently, if the eviction order were not enforced, Mr Micillo's right would continue to be unjustifiably compromised. He would continue to be deprived of the use of his property, which has long been the subject of unlawful occupation by the Roma Community.

32. The right to property, as is well known, enjoys protection at the European level, under Article 1, Additional Protocol 1, ECHR.

33. This is a fundamental right of the individual, which in the present case has already been violated for a long time as a result of the illegal occupation by the Roma population settled on the land covered by the ordinance.

34. Moreover, the Court of Naples duly applied the rules of domestic law under which anyone who suffers the unlawful occupation of his own immovable property may bring an action before the Courts to obtain its forced release.



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35. The measure whose non-enforcement is sought is therefore irrespective of whether the occupants belong to a particular ethnic group and, indeed, its non-enforcement on the ground that the occupants belong to the Roma ethnic group would amount to discrimination to the contrary. There is no doubt, in fact, that if the occupation had been perpetrated by subjects of Italian nationality, an eviction order like the one issued in this case would have been adopted.

36. The first request of “*Immediate Protection from Further Evictions*” cannot be accepted also because the eviction order was adopted at the end of a trial in which the right to a fair hearing with potentially interested parties has already been fully guaranteed.

37. The ERRC states that: ‘*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 take place without appropriate and legal notice, access to legal assistance and the provision of adequate alternative accommodation*’.

38. Contrary to what ERRC says, everything necessary was done to consult the Romani families and to guarantee adequate notice:

- On 22 February 2024, Mr Francesco Micillo filed a pre-trial injunction (R.G.n. 3547/2024) to obtain, pursuant to art. 700 of the Italian Code of Civil Procedure, an order to evict the Roma occupants. In his appeal, Mr Micillo claimed that a group of over a thousand unidentified people had been illegally occupying some of his land in the municipality of Giugliano in Campania (NA) for several years.
- The appeal was also filed against the municipality, the prefecture of Naples, the Ministry of the Interior and the Presidency of the Council of Ministers.
- With the appeal, the appellant Mr Micillo asked to be authorised to notify the appeal and the decree fixing the first hearing of appearance in the manner provided for in art. 150 of the Italian Code of Civil Procedure. In fact, the occupants are an extremely large group of individuals (over a thousand), difficult to identify, whose full details are unknown.



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- The judge assigned to the proceedings (Dr F.A. Pizzi of the 9th civil section of the Court of Naples) forwarded the documents to the Office of the Civil Cabinet of the Court, for possible authorisation to proceed with notification in the forms provided for by Articles 150 of the Italian Code of Civil Procedure and 50 of the implementing provisions of the Code.
- The president of the Court's Civil Cabinet Office granted authorisation by decree of February 28, 2024, subject to the favourable opinion of the Public Prosecutor issued on February 26, 2024.
- Consequently the defendants, who are alleged to be squatters, were notified by public proclamation of the appeal and the decree of February 28, 2024 which set the first appearance hearing for March 25, 2024.
- In particular, the notification was carried out a first time by filing the appeal at the Town Hall of Giugliano and publication of an extract of the act in the Official Gazette of March 9, 2024.
- The Judge, at the end of the first hearing on March 25, 2024, with an order dated March 27, 2024, ordered the renewal of the notification of the introductory act.
- This notification was promptly carried out, again by public proclamation, by filing the introductory act at the Town Hall of Giugliano on April 16, 2024 and the publication of an extract of the act (and of the setting of the new hearing) in the Official Gazette no. 41 of April 6, 2024.
- The occupants, despite the validity and regularity of the notification, did not appear at Court and were declared in default.
- This trial (No. 3547/2024) ended with an order dated June 3, 2024.
- With this measure, the Court ordered the eviction pursuant to art. 700 of the Italian Code of Civil Procedure, indicating the methods for its implementation and entrusting the execution to the Judicial Officer operating at the Court of Naples North.
- In conclusion, there was a regular establishment of the adversarial process against the illegal occupants summoned in the precautionary proceedings.



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As highlighted by Judge Pizzi in the order of June 3, 2024, the art. 150 of the Italian Code of Civil Procedure introduced the possibility of promoting ordinary cognitional proceedings against categories or groups of persons not all identified by name and identified only on the basis of certain qualifications or certain situations in which they may find themselves. This notification produces, as an effect, legal knowledge, supported by a considerable degree of probability of effective knowledge of the act by the recipient. The judgement introduced with the summons or appeal notified by public proclamation presents a fully and legally complete adversarial process, even when the actual recipients of the notification, for some reason, which is still attributable to them, have not become aware of the act thus notified.

The provision of art. 150 above-mentioned is justified by the need to perform the notification of procedural acts (including that regarding the appearance at Court) even in cases where it is not possible to proceed with notification in the ordinary ways due to the significant number of recipients or the difficulty of identifying them all.

In the case at stake, given the large number of occupants, the authorities legitimately decided that this form of notification could be used, also having to consider the possibility of new people entering the land, in addition to those already on site.

- With a subsequent appeal filed on November 12, 2024, introducing sub-proceeding 3547 - 1/2024 R.G., Mr Francesco Micillo complained that, despite the assignment of the task of implementing the release order to the bailiff operating at the Court of Naples North, the release operations were not even initiated.
- He therefore asked the Court to issue all the most appropriate legal measures in order to implement the precautionary order which had been already issued.
- In conclusion, the Court was asked to remedy the inaction of the Bailiff in carrying out the operations entrusted to him by the previous order of June 3, 2024, which initially dictated the methods of implementation.
- The Court, in application of art. 669 duodecies of the Code of Civil Procedure, with a decree dated November 13, 2024, set the hearing for February 10, 2025.



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- The notification of the new appeal and the ensuing decree was carried out by the bailiff at the request of Mr. Micillo and was also carried out in the forms referred to in art. 150 of the Italian Code of Civil Procedure, which had already been previously authorised by the President of the Cabinet Office.

This method of notification is fully legitimate. In fact, the precautionary order and the determination of its implementation methods are part of a single legal case.

Compliance with the forms of the Civil Procedure Code was, therefore, also guaranteed on this occasion.

- As a result, by order of February 17, 2025 (subject of the collective complaint in question) a deadline was assigned to the Bailiff at the Court of Naples North for the execution of the eviction order and further methods of implementation of the order itself were dictated, again pursuant to art. 669 duodecies of the Italian Code of Civil Procedure taking into account all possible developments of the case in order to avoid the filing of new appeals for each individual difficulty encountered in the execution.

In conclusion, contrary to what is claimed in the Complaint, the Italian Authorities involved the interested parties in the eviction procedure.

They did so in the most appropriate way given the peculiarities of the concrete situation and in full compliance with the Italian legal system governing notification procedures. Consequently, the lack of dialogue with the Roma people regarding the eviction of the Giugliano area is exclusively attributable to the latter's choice, as they decided not to take part to the trial, despite being regularly informed of the existence of a trial concerning them.

39. It should also be noted that the ERRC itself states that the area currently occupied, isolated from the urban context, is surrounded by piles of rubbish, with no or seriously inadequate services.

Consequently, as the Court itself pointed out in the eviction order, the release of the Giugliano camp is in the interest of the occupants themselves.



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40. Finally, it should be noted that the Court has regulated the modalities with which the eviction will take place, providing for the participation of health personnel and, if necessary, the participation of Social Services, in order to guarantee adequate protection of the minors involved who are in a state of abandonment.

41. With the two additional requests for urgent measures, ERRC asks for:

- *“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 prioritise non-segregated housing, providing families with an equal opportunity for social inclusion and integration into broader society”.*

42. None of these measures can be adopted in a short period of time, also because the deadline for implementation of the Court order is April 30, 2025.

43. Nor can the execution of the eviction be postponed until such measures have been adopted. As already pointed out, the continuation of the unlawful occupation determines - because of the conditions of the camp - the simultaneous unlawful compression of Mr Micillo's right to property and of the right to health and safety both of the Roma community itself and of the population living in the surrounding areas, which are affected by the precarious conditions of the camp.





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44. It should also be noted that social rights must be balanced with the budgetary needs of every single States and also with the other social rights equally recognised by the European Social Charter. These include the protection of the right to health, which may be compromised by the condition of the areas occupied by Roma families, on which toxic waste has been spilled.

45. In the present case, the ERRC itself acknowledges that: i) *'between 2004 and 2006, the Municipality of Giugliano established an authorised camp for Roma residents in the industrial area of the city, consisting of 24 housing units. These units were assigned in March 2011 to 22 of the 75 Roma families who had applied through a public selection process'*; ii) *'In April 2024, the Municipality of Giugliano launched the first call for applications, offering five flats of 120 square metres to accommodate approximately 50 people'*. However, *'The five families selected in this round eventually rejected the offer'*.

46. These circumstances show that the municipality has taken action, within the limits of the economic and territorial resources available from time to time, to protect the right to housing of the Roma community.

47. On the other hand, the precarious conditions denounced in the collective complaint were also fostered by the behaviour of the Roma occupiers, who, as is clear from the order of the Court of Naples annexed to the complaint (annexes 1 and 5).

**V. Conclusions.**

In light of the present observations, the Italian Government request the Committee not to indicate any immediate measure, because of the inadmissibility and manifest unfoundedness of the Complaint.

Rome, 15.04.25

Drafted by

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