



23 May 2025

Case Document No. 4

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

**OBSERVATIONS BY THE GOVERNMENT
ON ADMISSIBILITY**

Registered at the Secretariat on 19 May 2025



*Ufficio dell' Agente del Governo
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 ADMISSIBILITY OF THE COMPLAINT**

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”).
3. Under Article 36§2 of the Rules of Procedure, the President invited the Government to submit written comments on the request for immediate measures by 16 April 2025.
4. Under Article 6 of the Protocol and Rule 29§1 of the Rules of Procedure, the President of the Committee also invited the Government to submit written observations on the admissibility of the complaint and set 19 May 2025 as the deadline for submitting these observations.
5. In compliance with this request and without prejudice to what has already been deduced on precautionary measures with the note of 15 April 2025, these observations will further highlight the reasons for the inadmissibility and groundlessness of the opposing appeal.

II. Subject Matter of the Complaint.

6. By Complaint dated 11 March 2025, the Complainants asked to adopt immediate measures necessary to avoid irreparable harm to the Romani families currently facing eviction in Giugliano (Via Carrafiello), Naples.
7. In particular, the Complainants asked:
 - to immediately halt any further evictions and ensure that no Romani families are forcibly displaced from the Giugliano (Via Carrafiello) camp;
 - to provide safe and adequate temporary accommodation for all affected families, while a long-term solution is developed;



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- to develop a comprehensive and non-segregated housing plan for all Romani families in Giugliano.
8. The Complaint originates from the judgment of the Court of Naples, ninth civil section. In a ruling dated February 17, 2025, the court ordered the execution, without further delay, of the previous order dated June 3, 2024, and further specified the methods of execution.
9. 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”.
10. These lands have been illegally occupied by numerous and 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.
11. The appellant complained that the occupants 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 the soil, at risk of serious pollution.
12. The just highlighted 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 and aims to seek compensation for damages.



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

14. Furthermore, Mr. Micillo specified that, in the areas mentioned above, over 1,000 people had settled, despite 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; 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.

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

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

17. On November 12, 2024, Mr. Micillo Francesco appealed again 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 provisions to implement the already-issued precautionary order.

18. The Court, in a ruling dated February 17, 2025, accepted the appeal and, in addition to the previous order of June 3, 2024, ordered that the release take place no later than April 30, 2025. It also provided, where necessary, the assistance of medical personnel and the police.



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19. In its Complaint No. 244/2025, the ERRC calls on the Social Rights Committee to prevent further violations of the rights of the families currently occupying the land mentioned above and to protect their health, safety and dignity, including by ordering the Italian Government to urgently adopt provisional measures (on which the Government has already submitted Observations on 15 April 2025).

20. The ERRC states, in particular, that the forced eviction of Roma families from the Giugliano camp (Via Carrafiello) highlights Italy's continued violations of its obligations under the Revised European Social Charter.

21. It deplores the failure to provide legal safeguards and adequate alternative housing and calls on Italy to "adopt a human rights-compliant approach to housing and to establish legal safeguards to prevent further forced evictions in violation of the Revised European Social Charter and other international legal obligations" in addition to immediately halting the impending eviction.

22. In conclusion, according to the Association's perspective, the forced eviction in Giugliano (Via Carrafiello), as well as Italy's general handling of forced evictions, disproportionately affects the Roma community and further reinforces discrimination against ethnic minorities.

III. Articles concerned

23. The Complainants seek a declaration of infringement of the principles enshrined in the Revised European Social Charter, with particular reference to articles 31 and E of the latter.

IV. On the admissibility.

24. It should be noted that, because of their collective nature, the Complainants should raise general questions 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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25. The ERRC's collective Complaint lacks these features.

26. For this reason, as already objected in the Observations filed on 15 April 2025, it must be declared inadmissible.

27. Indeed, the Complaint filed by the ERRC was essentially brought to challenge and paralyse the effects of a specific judicial eviction order adopted by the Italian Judge to protect the property rights of any particular individual (Mr. Micillo).

28. Furthermore, the ERRC brought the Complaint in the interest of those currently occupying the Giugliano camp, affected by the eviction order of the Court of Naples. It therefore acts in defence of a community of unidentified but identifiable individuals. 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.

29. Consequently, the ERRC is entitled to merely object to national policies on the subject matter at stake; 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 to address a particular, local situation.

30. Moreover, as already highlighted with the Observation filed on 15 April 2025, 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 under Article 669 terdecies of the Code of Civil Procedure¹.

¹ 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.

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.



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31. However, the Complainants did not pursue these remedies and preferred to resort to the European Committee of Social Rights to obtain protection that was no longer obtainable in domestic law due to the failure to pursue domestic remedies promptly.

32. The appeal is therefore inadmissible.

V. Conclusions

In light of the present observations and replies, the Italian Government request that the Committee reject the appeal because it is inadmissible.

VI. Annex

1. Judgment Judgment No. 497/2025 of the Regional Administrative Court of Naples

Rome, 15.05.25

Drafted by

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The Agent of the Italian Government

Lorenzo D'Ascia – Avvocato dello Stato

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>>.