

17 June 2025

Case Document No. 7

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

**RESPONSE FROM ERRC TO THE GOVERNMENT'S
OBSERVATIONS ON ADMISSIBILITY**

European Committee of Social Rights Council of Europe
By email only: DGI-ESC-Collective-Complaints@coe.int

EUROPEAN ROMA RIGHTS CENTRE v ITALY
Complaint No. 244/2025

10 June 2025

**ERRC’s reply to the Government’s observations on admissibility and comments
on the Government’s Information**

Dear President of the European Committee of Social Rights,

We acknowledge receipt of the Government’s observations on the admissibility of Collective Complaint No. 244/2025, *ERRC v. Italy*, dated 15 May 2025 and registered on 19 May 2025. The ERRC also acknowledges the Government’s subsequent submission dated 29 May 2025 regarding new factual developments concerning the situation in Via Carrafiello, Giugliano in Campania.

Pursuant to Article 6 of the Additional Protocol to the European Social Charter providing for a system of collective complaints and Rule 29§3 of the Rules of the European Committee of Social Rights, we respectfully submit the ERRC’s reply to the Government’s observations on admissibility and our comments to the Government’s Information within the set deadline of 16 June 2025.

The ERRC appreciates the opportunity to respond and provide further clarification in light of the Government’s arguments. As set out below, we reaffirm that the Complaint is fully admissible under the Collective Complaints Procedure and clearly falls within the scope and intent of the Revised European Social Charter and its Additional Protocol.

**I. The Complaint is Admissible Under the Collective Complaints
Procedure**

1. Italy ratified the Revised European Social Charter in 1999 and accepted the Additional Protocol Providing for a System of Collective Complaints in 1997. It is, therefore, bound by the procedure under which this Complaint is brought.
2. The ERRC is a Roma-led international public interest organisation based in Brussels, with participatory status before the Council of Europe and explicitly entitled to submit collective complaints. This is not the first time the ERRC has exercised its standing under the Protocol. The organisation has a long-standing litigation record before this Committee, including but not limited to:
 - Complaint No. 27/2004 *ERRC v. Italy*
 - Complaint No. 51/2008 *ERRC v. France*
 - Complaint No. 185/2019 *ERRC v. Belgium*
3. The present complaint—No. 244/2025—concerns Italy’s continued systemic failure to ensure adequate housing, protect against forced evictions, and prevent discrimination against Romani communities. These issues are emblematic of broader, persistent non-compliance with several provisions of the Charter and are not isolated incidents.¹

II. The Complaint Reflects General and Structural Non-Compliance

4. As the Government itself notes in paras. 20–22 of its observations, the ERRC argues that the forced eviction of Romani families from the Giugliano camp (Via Carrafiello) reflects Italy’s ongoing violations of the Revised Charter, particularly in relation to housing rights, legal protections, and non-discrimination.
5. The ERRC specifically calls for Italy to:
 - Halt the planned eviction,
 - Adopt a human rights-compliant approach to housing, and
 - Establish effective legal safeguards to prevent further forced evictions of Romani communities.
6. In this sense, the Complaint uses the eviction of approximately 300 Romani individuals, including children, in Giugliano as an illustrative example of a broader, structural pattern of Charter violations, rather than as a standalone appeal against a single judicial decision.

III. The Complaint Meets Procedural and Substantive Requirements

7. The ERRC is acting in full compliance with Article 1 of the Additional Protocol and Rule 23 of the Rules of Procedure. The Complaint was signed by its President, Mr. Đorđe Jovanović, in accordance with the organisation’s governing statute and standing for the period 1 July 2022 – 30 June 2026.

¹ In 2000 the ERRC published a report on Italy titled “Il Paese dei campi” available at: <https://www.errc.org/reports-and-submissions/il-paese-dei-campi>. Also see : <https://www.ilpaesedeicampi.it/>, Associazione 21 Luglio ETS.

8. The Complaint is well-supported by factual evidence, gathered in collaboration with the ERRC's local monitoring partners, particularly Associazione 21 Luglio ETS. These facts build on the ERRC's documented record of monitoring and legal advocacy regarding forced evictions of Roma in Italy since 2011.
9. In May 2021, the ERRC published a detailed census report on forced evictions of Roma in Italy, identifying at least 187 evictions between January 2017 and March 2021, affecting over 3,100 persons, many of whom were left homeless or in precarious housing.
10. The complaint is consistent with previous decisions by this Committee, including *COHRE v. Italy* (No. 58/2009) and *Amnesty International v. Italy* (No. 178/2019), where the Committee found violations of the Charter due to systemic forced evictions of Roma without adequate legal safeguards or alternative housing.
11. In its 2024 Recommendation CM/RecChS(2024)43 on the Amnesty complaint, the Committee of Ministers reaffirmed that Italy's forced evictions disproportionately affect Roma, Sinti, and Caminanti, and constitute a violation of the Revised Charter. It urged Italy to end these practices, provide sustainable housing, and combat antigypsyism.

IV. The Complaint is Not an Appeal of a Judicial Decision

12. Contrary to the Government's assertions, the ERRC is not contesting the judicial decision issued by the Court of Naples. Rather, the Complaint addresses the broader consequences and structural flaws within the legal and policy framework governing forced evictions and Roma housing in Italy.
13. The Committee has previously held that collective complaints may rely on individual situations as illustrative evidence of widespread rights violations, particularly when such situations stem from structural shortcomings (*FEANTSA v. France*, No. 39/2006).

V. Exhaustion of Domestic Remedies Is Not Required

14. The Government again claims that the families involved failed to exhaust domestic remedies under Article 669 *terdecies* of the Italian Civil Procedure Code. However, as the Committee's jurisprudence consistently affirms, there is no requirement for exhaustion of domestic remedies under the collective complaints procedure.²

² The collective complaints procedure is a human rights protection system for social and economic rights which complements the judicial protection provided under the [European Convention on Human Rights](https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1?utm_source=chatgpt.com) for civil and political rights. Because of their collective nature, complaints should raise questions in general, concerning non-compliance of a State's law or practice with one or more of the provisions of the Charter. Complaints about individual situations may not be submitted. Because of its particular nature, complaints may be lodged without exhausting domestic remedies and without the complainant organisation necessarily being a victim of the alleged violation. See: https://www.coe.int/en/web/european-social-charter/collective-complaints-procedure1?utm_source=chatgpt.com.

15. Moreover, the purpose of this procedure is to examine policy and legislative shortcomings, not to resolve individual legal grievances. As such, the argument on domestic remedies is irrelevant to the admissibility of the present complaint.

VI. Response to the Government’s Information on Via Carrafiello

16. The Government claims that the eviction was not enforced because the occupants “voluntarily left” the site. This narrative fails to reflect the actual circumstances and ignores the coercive context under which the families left—amid legal pressure, fear of forced eviction, and absence of viable housing alternatives.
17. Regardless of whether physical force was used, the departure must be understood as a constructive forced eviction in breach of the Charter, international standards (such as the ICESCR), and previous ECSR jurisprudence.
18. The Government’s argument that the Complaint has lost relevance due to alleged “voluntary departure” by Romani families from Via Carrafiello misunderstands the nature and purpose of the collective complaints procedure.

The Complaint:

- Does not challenge a single eviction order, but illustrates systemic failings;
 - Is not contingent upon the physical enforcement of eviction by police;
 - Highlights a pattern of discrimination, lack of legal safeguards, and the failure to provide adequate housing, which remain unresolved.
19. According to the ERRC, the Government’s handling of the situation, including its alleged “housing efforts,” further demonstrates systemic shortcomings. While some funding was allocated (e.g. through the ABRAMO project), the Government admits:
 - Only six families applied for housing;
 - The families ultimately refused the offers, indicating mismatch between needs and solutions;
 - A second housing call failed due to alleged “criminal records,” revealing discriminatory barriers to access.
 20. In its most recent update, the Government refers to plans to relocate approximately 40 individuals to a property seized from organised crime in via Comunale Palmentello. However, on 29 May 2025, this relocation attempt failed in tragic and suspicious circumstances:

- An extended family (about 40 people) from the Giugliano camp signed the housing contract and received the keys.
 - The families returned to the camp temporarily, waiting for the correct keys.
 - During the night between 29 and 30 May 2025, the building was set on fire, making it unusable—temporarily or permanently.
 - The modus operandi—involving the use of two stolen cars set ablaze under the building—is reportedly characteristic of Camorra-style intimidation tactics.
20. This act of suspected arson, potentially targeting Romani families, raises grave concerns regarding the security and social hostility faced by Romani communities even when nominal housing is offered. We attach a copy of the news article reporting on the event. (Annex 1 to ERRC’s reply to the Government’s observations on admissibility and comments on the Government’s Information).
21. Following this attack, no further housing solutions have been provided, and families remain in a state of limbo. Only a few families have managed to leave the camp by finding private accommodation independently, without state support.
22. These events starkly illustrate the inadequacy of Italy’s response, the dangerous environment Roma face, and the continued failure to fulfil obligations under the Revised Charter.

VI. Conclusion

23. The ERRC respectfully submits that the Government’s admissibility objections and factual update do not invalidate the relevance or admissibility of this Complaint. On the contrary, they confirm the pattern of systemic violations of the rights of Roma in Italy.
24. The eviction of the Romani community in Via Carrafiello, the absence of adequate legal safeguards, and the failure to provide safe, appropriate alternative housing clearly demonstrate a breach of Italy’s Charter obligations.
25. In light of the above, the ERRC respectfully requests that the Committee:
- Reject the Government’s objections to admissibility;
 - Declare the Complaint admissible;
 - And proceed to an examination of the merits at its 349th session.

We thank the Committee for its attention to this matter and for its continued commitment to upholding the rights of vulnerable and marginalised communities under the Revised Charter.

Respectfully submitted,

The European Roma Rights Centre (ERRC).