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18 June 2004

### **Collective Complaint by the European Roma Rights Center against Italy**

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## **I. ADMISSIBILITY**

**1. State party to the 1996 Revised European Social Charter (“RESC”) and to the Additional Protocol providing for a system of collective complaints against which the European Roma Rights Center (ERRC) submits the collective complaint:**

### **ITALY**

#### **2. Articles concerned:**

Article 31 of the Revised European Social Charter, which 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.

In conjunction with Article E of the Revised European Social Charter, which 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.

#### **3. ERRC observance of the admissibility requirements:**

3.01 The ERRC, convinced of the importance of the full realisation by all of social rights, and aware that the collective complaint mechanism established by the Council of Europe on 9 November 1995 can contribute significantly to the attainment of that objective, hereby submits this collective complaint to the Secretary General of the Council of Europe.<sup>1</sup>

3.02 Under Article 1 (b) of the Additional Protocol, the High Contracting Parties recognize the right of international non-governmental organizations which have consultative status with the Council of Europe and have been put on a list established for that purpose by the Governmental Committee to submit collective complaints.<sup>2</sup> The ERRC has consultative status with the Council of Europe. It is also on the Governmental Committee list of international non-governmental organizations allowed to submit collective complaints.

3.03 Unlike bodies coming under Article 1(c) and Article 2(1) of the Additional Protocol<sup>3</sup>, international non-governmental organizations entitled to submit complaints need not come within the jurisdiction of the High Contracting Party. The ERRC is therefore entitled to bring a collective complaint against those countries having ratified the European Social Charter or Revised European Social Charter which have also agreed to be bound by the collective complaints mechanism, without prejudice to any other admissibility requirement.

3.04 In addition, under Article 3 of the Additional Protocol, international non-governmental organizations referred to in Article 1(b) may submit complaints only in respect of those matters

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<sup>1</sup> See Additional Protocol to the European Social Charter providing for a system of collective complaints, European Treat Series No. 158 (hereinafter “the Additional Protocol”).

<sup>2</sup> Decision of 22 June 1995, 541<sup>st</sup> meeting of the Committee of Ministers.

<sup>3</sup> Representative national organizations of employers and trade unions and national non-governmental organizations, respectively.

regarding which they have been recognized as having particular competence. The ERRC is an international public interest law organisation which monitors the human rights situation of Roma in Europe and provides legal defence in cases of abuse. Since its establishment in 1996, the ERRC has undertaken first-hand field research in more than a dozen countries, including Italy, and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. As a result, the ERRC has gained an expertise in Roma rights issues such as housing, and has achieved consultative status with the Council of Europe and United Nations Economic and Social Council. An ERRC monitor was stationed in Italy from September 1998 to March 2003 reporting regularly on human rights developments concerning Roma. The ERRC has also undertaken numerous documentary field missions to Italy from its Budapest office, the first of which took place in Spring 1998 and the most recent of which took place in April 2004.

#### **4. Italy bound by the Revised European Social Charter:**

4.01 Italy signed the European Social Charter ("ESC") on 18 October 1961 and ratified the Charter on 22 October 1965. The European Social Charter entered into force with respect to Italy on 21 November 1965.

4.02 Italy signed the Revised European Social Charter ("RESC") on 3 May 1996 and ratified it on 5 July 1999. The Revised European Social Charter entered into force with respect to Italy on 1 September 1999. In the official declaration Italy made in depositing the instrument of ratification, Italy stated that it was bound by all the articles in Part II of the Charter except Article 25.<sup>4</sup>

4.03 Italy signed the Additional Protocol of 1995 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.

4.04 The explanatory report to the Additional Protocol states that the fact that the subject matter of a complaint has been examined under the "normal" procedure for considering government reports does not, in itself, make the complaint inadmissible. Further, in ruling on the first collective complaint, by the International Commission of Jurists against Portugal<sup>5</sup>, the European Committee of Social Rights stated: "Neither the fact that the Committee has already examined this situation in the framework of the reporting system nor the fact that it will examine it again during subsequent supervision cycles in themselves imply the inadmissibility of a collective complaint concerning the same provision of the Charter and the same Contracting Party."<sup>6</sup> The Committee further stated: "The legal principles *res judicata* and *non bis in idem* relied on by the Portuguese Government do not apply to the relation between the two supervisory procedures."<sup>7</sup> On the basis of the non-applicability here of *res judicata* and *non bis in idem*, the ERRC requests that the European Committee of Social Rights reject any objection on these grounds from the Italian Government given that the collective complaints machinery is independent of and distinct from the regular machinery for dealing with national reports.

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<sup>4</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>5</sup> Complaint No. 1/1998.

<sup>6</sup> Admissibility decision on the first collective complaint, para. 10.

<sup>7</sup> *Id.*, para. 13.

## 5. Applicability of the complaint to Roma in Italy

5.01 There are no accurate figures on the current number of Roma in Italy. One official count puts the number at 130,000, but the methodology used to determine this figure is not known to the ERRC.<sup>8</sup> In 1995, the London-based non-governmental organisation *Minority Rights Group* put the figure at 90,000-110,000.<sup>9</sup> Local non-governmental organisations estimate that there are presently 60,000-90,000 Italian Romani citizens and 45,000-70,000 Roma born outside Italy or born in Italy to immigrant parents, mainly from Eastern Europe, especially the former Yugoslavia.<sup>10</sup>

5.02 The ERRC is aware that the Appendix of the RESC states, “Without prejudice to Article 12, paragraph 4, and Article 13, paragraph 4, the persons covered by Articles 1 to 17 and 20 to 31 include foreigners only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned, subject to the understanding that these articles are to be interpreted in the light of the provisions of Articles 18 and 19.”

5.03 A number of the persons at issue in this Collective Complaint are citizens of Italy or are third country nationals lawfully resident or working regularly in Italy from countries party to the 1961 Charter and/or the RESC, including Albania, Bulgaria, Croatia, Macedonia, Romania, Slovenia, and Turkey. Therefore, the narrowest possible band of persons at issue in this Collective Complaint is comprised of (i) persons who are Romani and citizens of Italy and (ii) persons who are Romani nationals of other Parties (in particular Albania, Bulgaria, Croatia, Macedonia, Romania, Slovenia, and Turkey) lawfully resident or working regularly within the territory. This is a group comprising many tens of thousands of persons.

5.04 However, the ERRC would submit that due *inter alia* to very high degrees of discrimination against Roma in areas including access to residence permits and access to Italian citizenship, there would be ample grounds for considering this Collective Complaint as pertaining to all Roma in Italy, including those originating from countries not party to the Charter and/or not lawfully resident or working regularly in Italy.

5.05 A number of Roma in Italy -- including persons whom the ERRC alleges are subjected to the violations described in this Collective Complaint -- are third-country nationals from countries not party to the Charter or to the Revised Charter; are de facto refugees not yet recognised by Italian authorities as refugees; and/or are stateless persons. The categories of non-citizens and persons without regularised legal status in Italy -- particularly among Roma -- is diverse and includes a number of persons whose family may have been in Italy for a number of generations. Systemic racial discrimination and other arbitrary treatment in the provision of legal residence permits, as well as in the provision of citizenship, has precluded many thousands of Roma in Italy to having access to basic legal status in Italy, and has blocked the access of many potentially eligible Roma from acquiring Italian citizenship.

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<sup>8</sup> One representative of the Italian delegation to the United Nations Committee on Economic, Social and Cultural Rights, which reviewed Italy’s compliance with the Covenant on May 3, 2000, told the Committee that Italy “had 130,000 registered Roma, 80,000 of them Italian citizens, who were free to go wherever they wished.” Another representative of the same delegation, however, stated that determining the precise number of Roma in Italy was difficult because “There was, in fact, no precise definition of the term ‘Roma’ since it covered more than 100 different minorities with various origins and languages.” See “Summary Record of the 6th Meeting: Italy (E/C.12/2000/SR.6), 3 May 2000.”

<sup>9</sup> See Liegeois, Jean-Pierre and Nicolae Gheorghe, *Roma/Gypsies: A European Minority*, London: Minority Rights Group, 1995.

<sup>10</sup> See Ansa Press Agency, quoted in *Corriere della Sera*, April 4, 2000; Brunello, Piero, *L’urbanistica del disprezzo*, Rome: Manifestolibri, 1996; Colacicchi, Piero, “Down by Law: Police Abuse of Roma in Italy”, *Roma Rights*, Winter 1998, pp.25-30 and at <[http://errc.org/rr\\_wint1998/noteb1.shtml](http://errc.org/rr_wint1998/noteb1.shtml)>.

5.06 There are sound reasons for believing that, where Roma are concerned, the circle of persons provided with Italian citizenship is kept artificially constricted as a result of arbitrary practices by the administration, frequently informed by high levels of anti-Romani sentiment.<sup>11</sup> In its Second Report on Italy, made public on April 23, 2002, the Council of Europe's European Commission against Racism and Intolerance (ECRI), at paragraph 62, encouraged "Italian authorities to devote urgent attention to the question of Roma/Gypsies' access to residence permits and citizenship." The ECRI recommendation arose from the concern that significant forces inhibit Roma in particular from acquiring Italian citizenship, even where they may be deserving of the provision of Italian citizenship. As the ECRI report noted: "Many foreign Roma/Gypsies possess no legal status in Italy and most of those who are legally present in Italy only possess residence permits valid for short periods of time. Roma/Gypsies are reported to have benefited comparatively less than other groups from the various opportunities for regularisation, partly because of their lack of awareness of these opportunities, and partly because many of them did not possess the necessary valid documentation from their countries of origin. The difficulties encountered by members of the Roma/Gypsy communities in obtaining residence permits affect in turn their possibilities of securing Italian citizenship, for which proof of residence is required."<sup>12</sup>

5.07 Many of the non-citizen Roma and Roma lacking a regularised legal status in Italy with whom the ERRC met during a number of field missions in Italy were born in Italy. Of the foreign Roma born outside Italy, some had been living in Italy continuously for the past thirty years.<sup>13</sup> For example, 32-

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<sup>11</sup> Recent surveys indicate that Italians dislike and fear Roma, often on the basis of little or no experience with them. In a recent report on the fears of children by the official regional institution *Istituto Ricerche Economico-Sociali del Piemonte*, a survey of 1521 children aged 8 and 9 revealed that thirty-six percent of respondents who fear open spaces (60% of all children), stated that they did so because of "drug addicts, Gypsies and Morroccans" (See Miceli, Renato, "Sicurezza e paura", Working Paper #127, October 1999, Torino: Istituto Ricerche Economico-Sociali del Piemonte, <http://www.ires.piemonte.it/EP04.htm>, p.54). Eighty-two percent of respondents stated that their fears were based on information that they had received from their parents and teachers or otherwise indirectly (Ibid., p.57). Similarly, in October 1999, the *Documentation Centre for Solidarity with Nomads* of the Sant'Egidio religious community conducted a survey of approximately two hundred people in the Lombardy region, including the question, "Are you in favour of the authorised installation of camps for nomads in the region?" Approximately seventy percent of respondents were opposed. Grounds provided by respondents for disapproval included, "They steal"; "They are dirty"; "They steal children"; and "I don't know." (See Working Paper of Biblioteca di Solidarietà per I Nomadi, unpublished). In recent years, violence and discrimination against Roma in Italy has increased significantly. This trend should be considered against the larger backdrop of a rise in xenophobia and in negative attitudes towards immigrants and so-called *extracomunitari* (an common label for non-European Union citizens and immigrants from non-Western countries), fuelled partly by the encouragement of right-wing political groups. The number of racist and xenophobic pronouncements by local politicians and right-wing organizations has risen dramatically. To give just one of the most recent examples, mayor Giancarlo Gentilini of Treviso, in northern Italy, publicized on November 29, 2002, an open letter to the national government calling Roma and immigrants "criminals and good-for-nothings" and pressing for "abolishing all norms proposed to assist these delinquents." (Article published in the *Tribuna di Treviso* daily on November 29, 2002). Similarly, in one of a series of xenophobic campaigns launched by right-wing organisations over the past year, Italian media reported that in November 2002 hundreds of cars parked in the Sardinian city of Oristano had received on their windshields printed fliers from unknown persons entitled "The Hunters' Calendar", announcing the opening of a "365-day hunting season for various wild migrating species: Albanians, Kosovars, Talibans, Afghanis, Gypsies and *extracomunitari* in general." (Article published in the Sardinian daily *La Nuova* on November 22, 2002). International monitoring bodies have repeatedly expressed their concern at the increase in racist and xenophobic violence in Italy in recent years, and have noted the apparent passivity of the Italian state authorities in remedying this state of affairs (see for instance Committee for the Elimination of Racial Discrimination, *Concluding Observations: Italy*, CERD/C/304/Add.68, 7 April 1999; Human Rights Committee, *Concluding Observations: Italy*, CCPR/C/79/Add.94, 18 August 1998; European Commission Against Racism and Intolerance, *Second Report on Italy*, Strasbourg, 22 June 2001).

<sup>12</sup> *Second Report on Italy*, European Commission against Racism and Intolerance, adopted on 22 June 2001, para. 62.

<sup>13</sup> Italian citizenship is regulated by of Law 91 of February 5, 1992. Among other provisions, Article 4 sets out that a child born in Italy to foreign parents can petition the government for Italian citizenship within one year

year-old Mr V.M. from the Secondigliano camp in Naples told the ERRC in 1999 that he and his family had been in Italy for seven years.<sup>14</sup> Similarly, Mr Mile Savić, a Romani man from Serbia and Montenegro, recently informed the ERRC that he and his family, approximately 60 people, had lived in Figino, Italy, on the outskirts of Milan, for 15 years.<sup>15</sup> Mr Savić stated that neither he nor his family members had acquired legal permits of stay in Italy, despite having applied at the municipal authorities for such. According to Mr Savić, municipal authorities rejected such requests, stating that the family had lived in Figino for so long that they did not need permits. In addition, traditional and common law marriages, the ties that bind many Romani couples, are often not recognised by Italian authorities, so many Romani families are unable to benefit from family reunification rules even if head of the family obtains a residence permit.

5.08 Finally, at issue in this Collective Complaint are matters related to racial discrimination and racial segregation. In recent years, a number of international review bodies have made clear that where these extreme violations of international law are at issue, the legal status of non-citizens is not relevant. For example:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides, at Article 2(2): "... the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status." The ICESCR also requires that states may provide limitations to the enjoyment of the rights in the Covenant "only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society." (Article 4). In its general comments on areas such as health, housing and education, the CESCR has emphasised that the principle of non-discrimination extends also to non-citizens. For example, in its General Comment 13 on the right to education, the Committee stated that "the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status [emphasis added]." Indeed, in its concluding observations on Italy's third periodic report, the State Party to the Charter at issue in the current Collective Complaint, the CESCR criticised the government for limiting access to healthcare for asylum-seekers only to emergency situations.<sup>16</sup>
- The International Covenant on Civil and Political Rights (ICCPR) states, at Article 2(1): "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 26 of the ICCPR further provides: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." In its General Comment 15 on the position of aliens under the Covenant, the Human Rights Committee elaborated that, "[...] the general rule is that each one of the rights of the

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following her eighteenth birthday if she can prove continuous residence in Italy since birth. This is effectively impossible for Roma residing in unauthorised camps. Roma dwelling in authorised camps are entirely dependent on the willingness of camp authorities to issue papers certifying their residence in a camp, and are therefore often arbitrarily precluded from acquiring Italian citizenship, as a result of an inability to meet the continuous residence requirements noted above, or for other reasons.

<sup>14</sup> ERRC interview with Mr V.M. January 22, 1999. Naples. In some cases throughout this Collective Complaint, the ERRC has withheld the name of the interlocutor. The ERRC is prepared to release names should the interests of justice so require.

<sup>15</sup> ERRC interview with Mr Mile Savić, an approximately 60-year-old Romani man. April 26, 2004. Figino.

<sup>16</sup> Committee on Economic, Social and Cultural Rights, Twenty-second session 25 April-19 May 2000 Concluding Observations on Italy's third periodic report para 17, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/b977bc856afe94b9802568e4003bf53a?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/b977bc856afe94b9802568e4003bf53a?Opendocument).

Covenant must be guaranteed without discrimination between citizens and aliens. Aliens receive the benefit of the general requirement of non-discrimination in respect of the rights guaranteed in the Covenant, as provided for in article 2 thereof [...]"

- Article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states: "In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." Although at Article 1(2) the ICERD provides that the Convention shall not apply with respect to treatment between citizens and non-citizens, the Committee on the Elimination of Racial Discrimination (CERD) has importantly emphasised that protections included in the Convention are to be seen within the broader context of the ban on discrimination included in the major international laws on human rights. In its General Recommendation XI on non-citizens, the CERD held: "The Committee further affirms that article 1, para.2 must not be interpreted to detract in any way from the rights and freedoms recognized and enunciated in other instruments, especially the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights."

Moreover, the CERD has also emphasised that a number of the rights included in the Convention extend to all persons on the territory of a given state. In its General Comment XX on non-discriminatory implementation of rights and freedoms, the CERD noted: "Whenever a State imposes a restriction upon one of the rights listed in article 5 of the Convention which applies ostensibly to all within its jurisdiction, it must ensure that neither in purpose nor effect is the restriction incompatible with article 1 of the Convention as an integral part of international human rights standards. [...] Many of the rights and freedoms mentioned in article 5, such as the right to equal treatment before tribunals, are to be enjoyed by all persons living in a given State; others such as the right to participate in elections, to vote and to stand for election are the rights of citizens."

The Committee later elaborated on this opinion in written response to a questionnaire sent by the Special Rapporteur on the rights of non-citizens, dated 20 March 2003, by noting: "As stressed by the Committee in its General Recommendation XX, several of the rights and freedoms mentioned in article 5 ICERD, are to be enjoyed by all persons living in a given state [emphasis added]. The Committee is consistently reviewing the situation in State parties regarding the enjoyment by everyone, including non-citizens, of such rights and freedoms." In its response to the Special Rapporteur on the rights of non-citizens, the Committee also provided a summary of some areas in which it had in the past noted particular concerns with respect to treatment of non-citizens, focussing in particular on discrimination in access to housing [emphasis added], education, employment and access to justice, as well as to concerns related to ill-treatment of foreigners by law-enforcement officials.<sup>17</sup>

5.09 In light therefore of the foregoing, it is evident that non-citizens enjoy equal protection of the law in the realisation of a number of rights, including housing. The ERRC therefore contends that there are valid grounds for viewing this Complaint as pertaining to the situation of *all Roma* factually residing in Italy.

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<sup>17</sup> See "CERD response to the questionnaire sent by the Special Rapporteur on the rights of non-citizens: 20/03/2003.CERD/C/62/Misc.17.Rev.3.

## II. SUBJECT OF THE COMPLAINT

### 6. Violations of Articles 31, taken alone and/or in conjunction with Article E

6.01 The present Collective Complaint alleges violations of the right to adequate housing as provided under Article 31 of the Charter and related international standards. In addition, the present Collective Complaint alleges that Italy's housing policies and practices are infected by racial discrimination and as such violate the equal treatment guarantees included in Article E of the Revised Charter and other provisions of international law. This Collective Complaint also alleges that Italian policies and practices in the field of housing for Roma constitute racial segregation, as banned under international law. Prior to entering into the substance of the Collective Complaint, a discussion of the content of three key elements follows below:

- (i) The content and contours of the right to adequate housing under international law;
- (ii) The ban on discrimination -- including racial discrimination -- in access to housing;
- (iii) The ban on racial segregation.

6.02 The Right to Adequate Housing: Article 31 of the Revised Charter requires the Italian government to guarantee everyone the right to housing and to promote access to housing of an adequate standard.<sup>18</sup> The European Committee of Social Rights has stated that “‘adequate housing’ means a dwelling which is structurally secure, safe from a sanitary and health point of view and not overcrowded, with secure tenure supported by the law.”<sup>19</sup> Further, the Committee has stated that adequate housing means that:

A dwelling is safe from a sanitary and health point of view if it possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc. and if specific dangers such as, for example, the presence of lead or asbestos are under control.

Over-crowding means that the size of the dwelling is not suitable in light of the number of persons and the composition of the household in residence.

Security of tenure means protection from forced eviction and other threats, and it will be analysed in the context of Article 31§2.<sup>20</sup>

6.03 Standards on the right to adequate housing have been elaborated by a number of international bodies in recent years, such that content of the right to adequate housing is now clearly defined. In

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<sup>18</sup> Other international human rights instruments place similar obligations on Italy. In particular, Article 11 of the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) states: “The States Parties ... recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions....” Italy ratified the ICESCR on September 15, 1978.

The Convention on the Rights of the Child (“CRC”) establishes the positive obligation of States Parties to provide material assistance, including housing, to children in need. Article 27 of the CRC states: “(1) States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. (2) The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development. (3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.” Italy ratified the CRC on September 5, 1991.

<sup>19</sup> European Social Charter (Revised), Conclusions 2003, Volume 1, European Committee of Social Rights, p. 363.

<sup>20</sup> European Social Charter (Revised), Conclusions 2003, Volume 1, European Committee of Social Rights, p. 363.



addition to the approach developed the European Committee of Social Rights noted above, the United Nations and the European Court of Human Rights have developed congruous standards of relevance here. The core elements of these follow below.

6.04 In its General Comment 4 on the right to adequate housing, the United Nations Committee on Economic, Social and Cultural rights stated:

"7. In the Committee's view, the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity [...] irrespective of income or access to economic resources. Secondly, the reference in article 11 (1) must be read as referring not just to housing but to adequate housing."

6.05 In Paragraph 8 of the same General Comment, the Committee elaborated an approach whereby adequate housing was to be understood in terms of seven key elements. These are:

"(a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups;

"(b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

"(c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

"(d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing 5/ prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

"(e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of

natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

"(f) Location. Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

"(g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, *inter alia*, modern technological facilities, as appropriate are also ensured."<sup>21</sup>

6.06 Evaluating further in its General Comment 7 the relationship between the right to adequate housing (including, as noted above, the element of legal security of tenure) and the issue of forced evictions, the Committee held that "forced evictions are prima facie incompatible with the requirements of the Covenant."<sup>22</sup> General Comment 7 defines, at Paragraph 3, forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection." The use of the term "occupy" infers that all persons, regardless of the legality of their tenure, can be subject to forcible evictions, and as such, should be afforded adequate protection of law. Finally, at Paragraph 16 of General Comment 7, the Committee stated: "Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."

6.07 A number of declarations and resolutions aiming to provide further substance to clarifying procedural and other standards with respect to forced evictions have been adopted at an international level, including:

- The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, Maastricht, January 22-26, 1997,<sup>23</sup>
- The Practice of Forced Evictions: Comprehensive Human Rights Guidelines On Development-Based Displacement, adopted by the Expert Seminar on the Practice of Forced Evictions Geneva, 11-13 June 1997,<sup>24</sup>

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<sup>21</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment 4, paras. 6-7. Sixth Session, 1991.

<sup>22</sup> "General Comment No. 7 (1997), The Right to Adequate Housing (Art 11(1) of the Covenant): Forced Evictions", adopted by the UN Committee on Economic, Social and Cultural Rights on 20 May 1997, contained in U.N. document E/1998/22, annex IV.

<sup>23</sup> These state, *inter alia*: "All victims of violations of economic, social and cultural rights are entitled to adequate reparation, which may take the form of restitution, compensation, rehabilitation and satisfaction or guarantees of non-repetition". The full text of the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights ("Maastricht Guidelines") elaborate the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights ("Limburg Principles"). The Maastricht Guidelines are available at: <http://www.law.uu.nl/english/sim/specials/no-20/20-01.pdf>. The Limburg Principles are available at: <http://www.law.uu.nl/english/sim/specials/no-20/20-00.pdf>.

- UN Commission on Human Rights Resolution 1993/77 on forced evictions.<sup>25</sup>

6.08 The United Nations has further set out in its Fact Sheet 21 on the Right to Adequate Housing the duty of governments "to respect" and "to protect" the right to adequate housing and specifically, refrain from and prevent the practise of forced evictions on their territory.<sup>26</sup> Fact Sheet 21 on the Right to Adequate Housing states:

"To Respect': The duty to respect the right to adequate housing means that Governments should refrain from any action which prevents people from satisfying this right themselves when they are able to do so. Respecting this right will often only require abstention by the Government from certain practices and a commitment to facilitate the "self-help" initiatives of affected groups. In this context, States should desist from restricting the full enjoyment of the right to popular participation by the beneficiaries of housing, rights, and respect the fundamental right to organize and assemble.

"In particular, the responsibility of respecting the right to adequate housing means that States must abstain from carrying out or otherwise advocating the forced or arbitrary eviction of persons and groups. States must respect people's rights to build their own dwellings and order their environments in a manner which most effectively suits their culture, skills, needs and wishes. Honouring the right to equality of treatment, the right to privacy of the home and other relevant rights also form part of the State's duty to respect housing rights."

"To Protect': To protect effectively the housing rights of a population, Governments must ensure that any possible violations of these rights by "third parties" such as landlords or property developers are prevented. Where such infringements do occur, the relevant public authorities should act to prevent any further deprivations and guarantee to affected persons access to legal remedies of redress for any infringement caused.

"In order to protect the rights of citizens from acts such as forced evictions, Governments should take immediate measures aimed at conferring legal security of tenure upon all persons and households in society who currently lack such protection. In addition, residents should be protected, by legislation and other effective measures, from discrimination, harassment, withdrawal of services or other threats.

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<sup>24</sup> Text available at: <http://www1.umn.edu/humanrts/instree/forcedevictions.htm>. These state, *inter alia*:

- "States should apply appropriate civil or criminal penalties against any person or entity, within its jurisdiction, whether public or private, who carries out any forced evictions, not in full conformity with applicable law and the present Guidelines";
- "All persons threatened with forced eviction, notwithstanding the rationale or legal basis thereof, have the right to: (a) a fair hearing before a competent, impartial and independent court or tribunal (b) legal counsel, and where necessary, sufficient legal aid (c) effective remedies";
- "States should adopt legislative measures prohibiting any forced evictions without a court order. The court shall consider all relevant circumstances of affected persons, groups and communities and any decision be in full accordance with principles of equality and justice and internationally recognized human rights";
- "All persons have a right to appeal any judicial or other decisions affecting their rights as established pursuant to the present Guidelines, to the highest national judicial authority";
- "All persons subjected to any forced eviction not in full accordance with the present Guidelines, should have a right to compensation for any losses of land, personal, real or other property or goods, including rights or interests in property not recognized in national legislation, incurred in connection with a forced eviction. Compensation should include land and access to common property resources and should not be restricted to cash payments".

<sup>25</sup> UN Resolution 1993/77 states in particular: "All Governments [should] provide immediate, restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups."

<sup>26</sup> The Fact Sheet is available on the Internet at: <http://www.unhchr.ch/housing/fs21.htm#obligations>.

"Steps should be taken by States to ensure that housing-related costs for individuals, families and households are commensurate with income levels. A system of housing subsidies should be established for sectors of society unable to afford adequate housing, as well as for the protection of tenants against unreasonable or sporadic rent increases.

"States should ensure the creation of judicial, quasi-judicial, administrative or political enforcement mechanisms capable of providing redress to alleged victims of any infringement of the right to adequate housing."

6.09 In addition, a number of provisions of the European Convention on Human Rights provide protections against forced evictions and other core elements of the right to adequate housing. Article 8(1) of the European Convention on Human Rights sets forth the following guarantees: "Everyone has the right to respect for his private and family life, his home and his correspondence." Article 8's protection encompasses *inter alia* the following rights: the right of access<sup>27</sup>, the right of occupation<sup>28</sup>, and the right not to be expelled or evicted, and is thus intimately intertwined with the principle of legal security of tenure.<sup>29</sup> Indeed, in the case of *Cyprus v. Turkey* the Commission specifically stated the following: "The Commission considers that the evictions of Greek Cypriots from houses, including their own homes, which are imputable to Turkey under the Convention, amount to an interference with rights guaranteed under Article 8 paragraph 1 of the Convention, namely the right of these persons to respect for their home, and/or their right to respect for private life..."<sup>30</sup> In *Velosa Barreto v. Portugal*<sup>31</sup>, the Court confirmed that Article 8 does not give a landlord the right to recover possession of a rented house on request and in any circumstances. Further, the European Court has developed extensively under its Article 8 jurisprudence the concept of "positive obligations", under which a Contracting State must not only restrict its own interferences to what is compatible with Article 8, but may also be required to protect the enjoyment of those rights and secure the respect for those rights in its domestic law.<sup>32</sup> The European Court of Human Rights has recently found a violation of Article 8 specifically in relation to housing issues and Gypsies in the United Kingdom,<sup>33</sup> and on a number of occasions in the past the U.K. government has settled out of court in cases involving Gypsies and housing or accommodation issues. In finding a violation of Article 8 of the Convention, the court focussed in particular on the arbitrary forced eviction of Mr Connors from his housing. In addition, protections available under Article 1 of Protocol 1 to the European Convention -- guaranteeing the peaceful enjoyment of one's possessions -- have been interpreted to include the protection of housing rights.<sup>34</sup> In

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<sup>27</sup> *Wiggins v. United Kingdom*, No. 7456/76, 13 D & R 40 (1978).

<sup>28</sup> *Ibid.*

<sup>29</sup> *Cyprus v. Turkey*, 4 EHRR 482 (1976).

<sup>30</sup> *Ibid.*, para. 209.

<sup>31</sup> Series A, No. 334.

<sup>32</sup> E.g. *Costello-Roberts v. United Kingdom*, March 25, 1993, Series A, No. 247-C; 19 E.H.R.R. 112, para.26.

<sup>33</sup> See *Connors v. the United Kingdom* (application no. 66746/01), decision of 27 May 2004.

<sup>34</sup> In *Öneryildiz v. Turkey*, a case involving the destruction of slum dwellers' homes following an explosion at a rubbish tip, the European Court of Human Rights, while finding a violation by the Turkish government of Article 1 of Protocol 1 ruled, *inter alia*, "The Court reiterates that the concept of 'possessions' in Article 1 of Protocol No. 1 has an autonomous meaning and certain rights and interests constituting assets can also be regarded as "property rights", and thus as "possessions" for the purposes of this provision ... the Court considers that neither the lack of recognition by the domestic laws of a private interest such as a 'right' nor the fact that these laws do not regard such interest as a 'right of property', does not necessarily prevent the interest in question, in some circumstances, from being regarded as a 'possession' within the meaning of Article 1 of Protocol No. 1 ... It must be accepted ... that notwithstanding that breach of the planning rules and the lack of any valid title, the applicant was nonetheless to all intents and purposes the owner of the structure and fixtures and fittings of the dwelling he had built and of all the household and personal effects which might have been in it. Since 1988 he had been living in that dwelling without ever having been bothered by the authorities (see paragraphs 28, 80 and 86

some circumstances, forced evictions may rise to the level of cruel and degrading treatment or punishment, as banned under Article 3 of the Convention.<sup>35</sup>

6.10 A number of international agencies have emphasised that the right to adequate housing -- a component of the right to an adequate standard of living -- is an actionable right. For example, reviewing Canada's compliance with the International Covenant on Economic, Social and Cultural rights in 1993, the Committee on Economic, Social and Cultural rights concluded as follows:

17. The Committee is concerned that the right to security of tenure is not enjoyed by all tenants in Canada.

18. The Committee learned from non-governmental organizations of widespread discrimination in housing against people with children, people on social assistance, people with low incomes, and people who are indebted. Although prohibited by law in many of Canada's provinces, these forms of discrimination are apparently common. A more concerted effort to eliminate such practices would therefore seem to be in order.

[...]

21. The Committee is concerned that in some court decisions and in recent constitutional discussions, social and economic rights have been described as mere "policy objectives" of governments rather than as fundamental human rights. The Committee was also concerned to receive evidence that some provincial governments in Canada appear to take the position in courts that the rights in article 11 of the Covenant are not protected, or only minimally protected, by the Charter of Rights and Freedoms. The Committee would like to have heard of some measures being undertaken by provincial governments in Canada to provide for more effective legal remedies against violations of each of the rights contained in the Covenant.

22. The Committee was very concerned to learn that the "Court Challenges Programme" has been cancelled.

23. The Committee is concerned to learn that in a few cases, courts have ruled that the right to security of the person in the Charter does not protect Canadians from social and economic deprivation, or from infringements of their rights to adequate food, clothing and housing.

24. The Committee is concerned that provincial human rights legislation has not always been applied in a manner which would provide improved remedies against violations of social and economic rights, particularly concerning the rights of families with children, and the right to an adequate standard of living, including food and housing.

#### E. Suggestions and recommendations

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above), which meant he had been able to lodge his relatives there without, *inter alia*, paying any rent. He had established a social and family environment there and, until the accident of 28 April 1993, there had been nothing to stop him from expecting the situation to remain the same for himself and his family. ... In short, the Court considers that the dwelling built by the applicant and his residence there with his family represented a substantial economic interest. That interest, which the authorities allowed to subsist over a long period of time, amounts to a 'possession' within the meaning of the rule laid down in the first sentence of Article 1 § 1 of Protocol No. 1..."

<sup>35</sup> See *Mentes and Others v. Turkey*, 58/1996/677/867 and *Selcuk and Asker v. Turkey*, 12/1997/796/998-999. Also, in a case specifically involving the forced eviction of Roma and the arbitrary destruction of their housing and other property, in 2003, the United Nations Committee Against Torture found the government of Serbia and Montenegro in violation of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Hajrizi Dzemajl et al. v. Yugoslavia*, CAT/C/29/D/161/2000).

25. The Committee recommends the incorporation in human rights legislation of more explicit reference to social, economic and cultural rights.

[...]

27. The Committee recommends the extension of security of tenure to all tenants and draws the attention of the State party to its General Comment No. 4 on the Right to Adequate Housing (article 11-1 of the Covenant), in particular paragraph 8.

28. The Committee recommends that the federal Government implement the recommendations of the Standing Committee on Human Rights and the Status of Disabled Persons, of June 1992, to restore the "Court Challenges Programme", and that funding also be provided for Charter challenges by disadvantaged Canadians to provincial legislation.

29. In recognition of the increasingly important role played by the courts in ordering remedial action against violations of social and economic rights, the Committee recommends that the Canadian judiciary be provided with training courses on Canada's obligations under the Covenant and on their effect on the interpretation and application of Canadian law.

30. The Committee encourages the Canadian courts to continue to adopt a broad and purposive approach to the interpretation of the Charter of Rights and Freedoms and of human rights legislation so as to provide appropriate remedies against violations of social and economic rights in Canada. [...]<sup>36</sup>

6.11 The Committee subsequently followed up on these recommendations when Canada was reviewed again in 1998, stating *inter alia*, "The Committee is deeply concerned at the information that provincial courts in Canada have routinely opted for an interpretation of the Charter which excludes protection of the right to an adequate standard of living and other Covenant rights." The Committee went on to recommend to the Canadian government in 1998, measures including the following:

46. The Committee recommends that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The Committee urges the State party to implement a national strategy for the reduction of homelessness and poverty.

[...]

50. The Committee urges the federal, provincial and territorial governments to adopt positions in litigation which are consistent with their obligation to uphold the rights recognized in the Covenant.

51. The Committee again urges federal, provincial and territorial governments to expand protection in human rights legislation to include social and economic rights and to protect poor people in all jurisdictions from discrimination because of social or economic status. Moreover, enforcement mechanisms provided in human rights legislation need to be reinforced to ensure that all human rights claims not settled

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<sup>36</sup> E/C.12/1993/5 3 June 1993, Concluding observations of the Committee on Economic, Social and Cultural Rights : Canada. 03/06/93. E/C.12/1993/5. (Concluding Observations/Comments), available on the Internet at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/280a3783f5a26d09c12563e80058b47e?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/280a3783f5a26d09c12563e80058b47e?Opendocument)

through mediation are promptly determined before a competent human rights tribunal, with the provision of legal aid to vulnerable groups.

52. The Committee, as in its review of the previous report of Canada, reiterates that economic and social rights should not be downgraded to "principles and objectives" in the ongoing discussions between the Federal Government and the provinces and territories regarding social programmes. The Committee consequently urges the Federal Government to take concrete steps to ensure that the provinces and territories are made aware of their legal obligations under the Covenant and that the Covenant rights are enforceable within the provinces and territories through legislation or policy measures and the establishment of independent and appropriate monitoring and adjudication mechanisms.

[...]

57. The Committee recommends that the State Party request the Canadian Judicial Council to provide all judges with copies of the Committee's concluding observations and encourage training for judges on Canada's obligations under the Covenant.

58. The Committee also recommends that since there is generally in Canada a lack of public awareness about human rights treaty obligations, the general public, public institutions and officers at all levels of Government should be made aware by the State Party of Canada's human rights obligations under the Covenant. In this regard, the Committee wishes to make specific reference to its General Comment No. 9 on the domestic application of the Covenant.

59. The Committee recommends that the Federal Government extend the Court Challenges Programme to include challenges to provincial legislation and policies which may violate the provisions of the Covenant.

60. Finally, the Committee requests the State Party to ensure the wide dissemination in Canada of the present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.<sup>37</sup>

6.12 The Ban on Discrimination -- Including Racial Discrimination -- In Access to Housing: Article E of the RESC 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." Other international human rights instruments place similar requirements on Italy in regards to discrimination and housing. In particular, the International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD") at Article 5(e)(iii) prohibits racial discrimination in the enjoyment of the right to housing. Italy ratified the ICERD on January 5, 1976. Other international law provisions banning racial discrimination in the exercise of fundamental rights including the right to adequate housing have been noted above.

6.13 Also, pursuant to the revised Article 13 of the Treaty Establishing the European Community (TEC) after its Treaty of Amsterdam amendments, the European Union has adopted several Directives on the scope and dimensions of anti-discrimination laws in the European Union.<sup>38</sup> The Race Directive

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<sup>37</sup> E/C.12/1/Add.31, 10 December 1998, Concluding observations of the Committee on Economic, Social and Cultural Rights : Canada. 10/12/98. E/C.12/1/Add.31. (Concluding Observations/Comments), available on the Internet at:

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c25e96da11e56431802566d5004ec8ef?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c25e96da11e56431802566d5004ec8ef?Opendocument)

<sup>38</sup> Beginning in 2000, and in particular under expanded powers provided by an amended Article 13 of the Treaty Establishing the European Community, the European Union adopted a number of legal measures which have significantly expanded the scope of anti-discrimination law in Europe. Particularly relevant for the purposes of this project are three Directives: (i) Directive 2000/43/EC "implementing the principle of equal treatment

in particular includes at Article 3(1)(h) a ban on discrimination "in access to and supply of goods and services which are available to the public, including housing".

6.14 The EU Anti-Discrimination Directives are binding on all EU Member States and Candidate Countries. As a member of the European Union, Italy must transpose the provisions of these Directives into domestic law. The Italian government approved in July 2003 a decree containing detailed rules relating to discrimination on racial or ethnic grounds, apparently with the intention of thereby transposing the Race Directive into domestic law. The decree supplements and amends Italian Law "Testo Unico 286/98", guaranteeing equal treatment of citizens and legal non-citizen residents in access to housing and other public services.<sup>39</sup> However, according to commentary on the existing state of Italian anti-discrimination law made available on the Internet website of the European Union, there continue to be a number of concerns with respect to the ability of victims to have access to justice when their right to equal treatment has been violated.<sup>40</sup> Moreover, despite compelling evidence of a need for positive action to combat racial discrimination in Italy, "At the national level, there are no positive action or specific programmes targeted at racial or ethnic minorities."<sup>41</sup>

6.15 The Ban on Racial Segregation: Finally, Italy is bound by Article 3 of the ICERD, which states: "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction." Insofar as the ICERD also includes a ban at Article 3(1)(h) on racial discrimination "in access to and supply of goods

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between persons irrespective of racial or ethnic origin" ("Race Directive") (ii) Directive 2000/78/EC "establishing a general framework for equal treatment in employment and occupation" ("Employment Directive") and (iii) Directive 2002/73/EC "on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions", providing an increased level of protection against discrimination based on sex and amending an earlier directive in this area. Directives are binding on EU member states and their provisions must be transposed into the domestic legal order. For the purposes of this shadow report, the three Directives will be referred to herein as the "EU Anti-Discrimination Directives".

<sup>39</sup> Testo Unico 286/1998, Art. 40, para. 6 states that foreigners present on the national territory who possess a resident permit valid for not less than 2 years and hold a regular job or a free lance activity "have the right of access, on an equal footing with Italian citizens, to residential and public housing and to intermediary services of public agencies provided by the regions and local entities for the purpose of facilitating access to housing and facilitated credit with regard to building, recuperation, acquisition and renting of the first house." Implementation rests with regional and local authorities (Testo Unico 286/1998, Art. 40 (as amended by Law of July 11, 2002) and Art. 41); however, not all regional and local authorities have incorporated these principles into local legislation (Different local regulations adopted before 1998 required reciprocity for access to public housing (i.e. a guarantee that Italian citizens living in the immigrant's country of origin have access to public housing). In some cases these local regulations have not yet been rescinded. See L.R. Veneto n. 10, 2 April 1996, L.R. Abruzzo n. 96, 25 October 1996 and L.R. Umbria n. 33, 23 December 1996). In an Open Society Institute (OSI) 2002 report on the Situation of Muslims in Italy, it was noted that at least one court ruled against municipal governments that have failed to amend local legislation to comply with the provisions of Law 286/98; however, that ruling was almost immediately appealed ("The Situation of Muslims in Italy", *Monitoring the EU Accession Process: Minority Protection*, Open Society Institute, 2002. p. 250. OSI notes that the Italian Government has acknowledged delays in the implementation of Law 286/98 at the local level. See *Documento programmatico, per il triennio 2001-2003, relative alla politica in materia di immigrazione e degli stranieri nel territorio dello Stato, a norma dell'art. 31. 6 marzo 1998, in materia di immigrazione*, approved by a Decree of the President of the Republic, 30 March 2001). Worryingly, the 2002 amendments to Testo Unico 286/1998 have weakened protections available to foreigners which, as one commentator has noted, "raises problems, since in Italy racial discrimination is often disguised as legitimate discrimination against 'non-EU citizens' [...]" (See Alessandro Simoni, "Executive Summary of race equality directive, state of play in Italy, 17 October 2003," available at: [http://www.europa.eu.int/comm/employment\\_social/fundamental\\_rights/pdf/legisl/msracequality/italy.pdf](http://www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legisl/msracequality/italy.pdf)).

<sup>40</sup> See Alessandro Simoni, "Executive Summary of race equality directive, state of play in Italy, 17 October 2003," available at: [http://www.europa.eu.int/comm/employment\\_social/fundamental\\_rights/pdf/legisl/msracequality/italy.pdf](http://www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legisl/msracequality/italy.pdf)

<sup>41</sup> Ibid.



and services which are available to the public, including housing", noted above, the inclusion of the Article 3 ban on racial segregation indicates that, under international law, a particular harm is ascribed to policies aiming at the forcible separation of persons and groups, based solely on their ethnic origin. Because racial segregation is documented most often in the fields of education, housing and health, the RESC Article 31 guarantee of adequate housing should be understood as incorporating the ban on racial segregation included at Article 3 of the ICERD.

6.16 The ERRC submits that the above three elements comprise the corpus of the Article 31 guarantee of the right to adequate housing, taken together with the Revised Charter's Article E non-discrimination provisions.

## **7. The Factual Profile of the Italian Government's Violation of Article 31, taken alone and/or in conjunction with Article E**

7.01 Italy's policies and practices with respect to Roma fall afoul of the international law provisions noted above, including Article 31 of the Revised European Social Charter, independent of, as well as read together with, Article E of the RESC.

### **7.A. Failure to promote access to housing of an adequate standard to Roma, in violation of Article 31(1), taken alone and/or in conjunction with Article E**

7.02 As a result of the construction and maintenance, by policy and practice, of substandard and racially segregated camps for Roma, as well as in light of policies and practices of forced eviction of Roma, threats of forced eviction of Roma, systemic destruction of property belonging to Roma and the systemic invasion of Romani dwellings without due regard to Italy's international law obligations, Italy is in violation of Article 31(1) of the Revised European Social Charter, taken together with the Revised Charter's Article E ban on discrimination. Factual details related to these issues follow:

7.03 **Racial Segregation of Roma in Italy:** First of all, by policy, Italian authorities racially segregate Roma. Underpinning the Italian government's approach to Roma and public housing is the conviction that Roma are "nomads". In the late 1980s and early 1990s, ten out of the twenty regions in Italy adopted laws aimed at the "protection of nomadic cultures" through the construction of segregated camps.<sup>42</sup> This project rendered official the perception that all Roma and Sinti are "nomads" and can only survive in camps, isolated from Italian society.<sup>43</sup> Cities and small towns across the country have installed official bodies to address Roma, calling the offices "Office of Nomad Affairs" or similar.<sup>44</sup> As a result, many Roma have effectively been forced to live out the romantic and

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<sup>42</sup> Regional Law 299/89 of Lombardy, for instance, was entitled "Regional Action for the Protection of Populations with Nomadic or Semi-Nomadic Traditions". A similar 1994 law in the Marche region is "Interventions in Favour of Migrants, Immigrants, Refugees, Stateless Persons, Nomads and Their Families". In 1991, a circular to local police directorates on "Nomadic Settlements, Gypsies and Non-European Citizens", with the signature of the Head Prefect of the Ministry of the Interior, began by reminding the police of "the age-old problem of nomadic people". The circular went on to describe "the difficulties of full integration" and then ordered "a deep and systematic survey of the major nomadic, Gypsy and non-European settlements" in Italy. It ended by requesting that a full report on each province be sent to the anti-crime division of the Central Police Office (See Circolare No. 4/91 N. 559/443123/A-200420/1 6/2/1/1, January 18, 1991). The government funds predominantly non-Romani organisations to act as go-betweens for the government and Roma. First and foremost among such organisations is "Opera Nomadi" ("Nomad Works" or "Charitable Mission for Nomads"), founded by a priest named Don Bruno Niccolini; the organisation has now for the most part lost its religious character, but has kept its name and its authority in the eyes of the government.

<sup>43</sup> The Italian media uses "nomad", "Gypsy" and "Rom" interchangeably, but "nomad" generally appears in headlines. One Italian journalist told the ERRC that it was "catchier" as a term.

<sup>44</sup> This issue is discussed in detail in the ERRC Country Report *Campland: Racial Segregation of Roma in Italy*, included as Appendix A to this complaint.

repressive projections of Italians; Italian authorities assert that their desire to live in flats or houses is inauthentic and relegate them to "camps for nomads".<sup>45</sup> There has been no effective action at the national level to combat the development of such segregating programs.

7.04 Twenty-year-old Ms M.D. is a member of an Italian Sinti family which lives in caravans and travels, spending the winter in Italy and the summer in Germany and Switzerland; but when asked by the *ERRC* whether she would like to go on living like that, she replied: "No, we want houses and a life like yours."<sup>46</sup> This statement and numerous similar ones however fall on deaf ears when presented to Italian authorities and non-Romani Italians alike. For example, an Italian delegate told the UN Committee on the Elimination of Racial Discrimination in Geneva in March 1999 that Roma, as natural nomads, "preferred to stay in their camps."<sup>47</sup> The "nomad" theory is used time and again as the justification for excluding Roma from the responsibility for decision-making normally afforded adult human beings. Even in those instances in which Italian Sinti have expressed a preference for alternate forms of housing or accommodation, arrangements provided have almost invariably been substandard and segregated.

7.05 Many Roma in Italy live in a state of separation from mainstream Italian society. For an estimated one third to one half of Italy's Roma, this separation is physical<sup>48</sup>. Roma live segregated from non-Romani Italians. In some areas, Roma are excluded and ignored, living in filthy and squalid conditions, without basic infrastructure. These Roma "squat" in abandoned buildings or set up camps along roads, rivers or in open spaces. They can be evicted at any moment, and frequently are. Their settlements are often called "illegal" or "unauthorised". Where Italian authorities have expended energy and resources on Roma, these efforts have in most cases not been aimed at integrating Roma into Italian society. Instead, authorities establish "temporary housing containers", in a number of cases surrounded by high walls, isolating them from the view of non-Romani Italians. Italy is the only country in Europe to boast a systematic, publicly organised and sponsored network of ghettos aimed at depriving Roma of full participation in, or even contact or interaction with, Italian life. These Roma, in Italian parlance, live in "camps" or squalid ghettos that are "authorised".

7.06 In a number of instances, policies designed with positive intent ultimately establish racially segregatory housing arrangements. For example, in 1997, civil engineers in Rome initiated a project to construct an "experimental village" for approximately 250 Roma from Romania (over 100 of whom were children) who were living in destitution in the Via Gordiani camp. This "village" would consist of small villa homes with full amenities, along with a school, community centre and integrated roads with the rest of the surrounding area.<sup>49</sup> The project was based on Lazio Regional Law 179, Article 4 of 1992, which allows for the construction of public residential buildings for particular social categories, including the handicapped, the elderly, young couples, and immigrants.<sup>50</sup> In 2001, during initial

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<sup>45</sup> Zaccagni, Nicola. "AN dice 'No' al campo Rom in Via Dei Carafa" ("AN says 'No' to a Roma camp in Via Dei Carafa") *Voci di Via*. Available at: <http://www.vocidivia.it/articolo.asp?idarticolo=3050&idsezione=5>. Last accessed May 20, 2004. When asked her opinion regarding a newly authorized camp for Roma in her neighborhood, an Italian woman was quoted in the article as having stated, "Why do the nomads arrive in Italy and want to become sedentary?"

<sup>46</sup> *ERRC* interview with Ms M.D., January 29, 1999, Mestre. In many instances throughout this report, to protect those interviewed from potential harassment, the *ERRC* has withheld the name of the interviewee. The *ERRC* is prepared to disclose names if the interests of justice so require and appropriate precautions to protect the individuals are taken.

<sup>47</sup> Mr Luigi Citarella, Head of the Italian Delegation to the 54th Session of the Committee on the Elimination of Racial Discrimination, March 9, 1999, Geneva.

<sup>48</sup> European Commission against Racism and Intolerance (ECRI). Second Report on Italy. Made public on April 23, 2002, para. 60.

<sup>49</sup> For more details see *Un Villaggio Sperimentale Per il Gruppo Rom Rudari in Via dei Gordiani* ("An Experimental Village for the Rom Rudari Group on Via dei Gordiani"), September 9, 1997.

implementation of the plan, the regional government of Lazio challenged the project.<sup>51</sup> Local politicians, including the Regional Urban Assessor, denounced the plan as “absurd”, stating that the law was created to help poor disadvantaged people in need, not Roma.<sup>52</sup> The regional government subsequently withheld the resources and capital needed to implement the plan and instead chose to provide the segregated camp with pre-fabricated housing containers. As of April 2004, Via Gordiani was a camp of over 50 substandard, pre-fabricated housing containers.

**7.07 Substandard Housing Conditions Prevailing in Romani Housing Settlements in Italy:** In addition to violations of Article 31 and related international law occurring through the forcible separation of Roma into “camps for nomads”, solely on the basis of their ethnic origin, Italian authorities also transgress the guarantees of Article 31(1) as a result of the housing conditions in which many Roma in Italy are forced to live. Camps vary in size from a dozen persons – for example, one of the unauthorised camps in Via Bravetta, Rome – to more than one thousand persons, for example, the massive unauthorised Casilino 900 camp in Rome.<sup>53</sup> The smaller camps, home to only fifteen to thirty people, are generally “unauthorised”. Authorised camps tend to comprise at least one hundred persons.

7.08 In about three-quarters of the camps, there is running water and electricity. However, in a number of camps visited by the ERRC, such services are not sufficient to meet the needs of the camp inhabitants. For example, Turin’s Camp Arrivore, intended to be a temporary camp when it was established in 1991, had not been furnished with any showers 13 years later, when the ERRC visited in 2004. Water is either supplied free-of-charge by the municipality in some authorised camps, or at a subsidised rate, or at full rate. In some cases, local Roma find alternative means of acquiring water without the help of the state. The same applies for electricity. Usually, Roma in unauthorised camps obtain water and electricity as a result of their own efforts, but there are exceptions. For example, in an unauthorised camp in Florence, local authorities supplied water and even built showers. However, they erected the eight cold water showers in the open, on a concrete platform in the middle of the camp. The *ERRC* team was told with laughter that of course no one would make a show of showering with everybody looking. The showers were being used for washing clothing at the time of the *ERRC* visit.

7.09 In Milan’s authorised Camp Via Triboniano, electricity was provided by generators the residents had purchased for themselves at the time of an ERRC visit in April 2004. At the time of an ERRC visit in August 2003, there was a similar situation in the unauthorised camp of Casilino 900 in Rome.<sup>54</sup>

7.10 Very few camps have adequate sewage removal or treatment systems. Of the thirty camps visited by the *ERRC* in 1999, only one – the authorised camp in Via Rismondo, Padua – had a sewage removal system approaching adequacy, with a toilet cabin for every two families. Of the camps visited in 2003, only the authorised camps had some form of sewage removal system, and from those only the sewage removal system at camp Gordiani in Rome was considered adequate by residents.<sup>55</sup> Some of

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<sup>50</sup> *Un Villaggio Sperimentale Per il Gruppo Rom Rudari in Via dei Gordiani* (“An Experimental Village for the Rom Rudari Group on Via dei Gordiani”), September 9, 1997. p. 3. This was the official proposal made by Mr Mauro Masi, a Rome-based civil engineer, to the Lazio region, with the signatures of several officials from the City of Rome as well as the greater Region of Lazio.

<sup>51</sup> For the past several years the politics of the region of Lazio has been controlled by the Alleanza Nazionale (National Alliance), a right-wing conservative political party that is explicitly anti-Roma.

<sup>52</sup> The same public official was quoted by media as having stated, “We have decided to help the most needy and not to give house to the Gypsies” (see *Il Tempo*, 4 February 2001; see also *Il Corriere della Sera*, 1 February 2001).

<sup>53</sup> Camps are most often designated by the name of the street or area on which they are located.

<sup>54</sup> *ERRC* Field Mission to Rome, July 28, 2003 to August 3, 2003.

<sup>55</sup> *ERRC* Field Mission to Rome, July 28, 2003 to August 3, 2003.

the camps had movable chemical toilet cabinets. The chemical toilet is a plastic box like a telephone booth, to be used by one person at a time. In all camps the *ERRC* visited there were fewer than needed. In some localities, the deficiency in such amenities is drastic. The authorised Camp Via Triboniano in Milan, for instance, which is home to approximately 1,000 people had only two working toilets at the time of an *ERRC* visit in April 2004. During the April 2004 mission, the *ERRC* also visited Camp Boscomantico on the outskirts of Verona where 136 residents used three toilets, which had overflowed onto the concrete next to their caravans, as the sewage removal system could not handle usage by so many people. In Camp Casilino 900 in Rome, about two dozen chemical toilets served over 1000 inhabitants at the time of *ERRC* research in August 2003. Casilino 900 remained intact without any significant change as of April 19, 2004.<sup>56</sup> In the authorised Favorita camp in Palermo, no toilet facilities existed at all in a camp of about 1000 people at the time of the *ERRC* visit.

7.11 Many of the camps visited by the *ERRC* suffered from extremely inadequate solid waste removal. Milan's Camp Via Triboniano and Turin's Camp Arrivore for example, were equipped with only three garbage bins each. In addition, garbage was reportedly collected from Camp Via Triboniano only sporadically. At the time of an *ERRC* visit at the end of April 2004, the containers at both camps were overflowing and the entire area of the camps was littered with trash.

7.12 Such unhealthy living conditions are directly linked to the generally poor health situation of the Roma communities.<sup>57</sup> The April 2002 Second Report on Italy from the Council of Europe's European Commission against Racism and Intolerance ("ECRI"), addresses several concerns regarding the Romani population in Italy and the specific problem of housing:

The living conditions in camps inhabited by Roma/Gypsy families are extremely harsh, due to the lack of basic infrastructure and facilities, including access to energy, heating and lighting, sanitation as well as washing facilities and refuse disposal, site drainage and emergency services. Although the situation is particularly worrying for unauthorised camps, the living conditions in many authorised camps are not significantly better. ECRI expresses deep concern at this situation.<sup>58</sup>

7.13 Aside from extreme overcrowding witnessed by the *ERRC* in a number of the camps it has visited, in those places where authorities have initiated projects to "improve" the housing situation of Romani camp residents, as in Turin for example, family size has not been taken into account. The Bosnian Muslim Romani residents of Turin's Camp Arrivore were, as of April 2004, scheduled to be moved to "public" housing constructed for them in the coming months. *ERRC* inspection of the "public" housing to be provided revealed a segregated camp-type housing complex with 30 one-room houses, all of the same size and surrounded by a tall metal fence. Roma from Camp Arrivore with whom the *ERRC* spoke about the housing project expressed dissatisfaction about the housing, citing the fact that many among them have families too large for the housing that had been built. Several Roma with whom the *ERRC* spoke, including Mr H.H., stated that it was not culturally acceptable that the entire family, including men, women and children sleep together in the same areas.<sup>59</sup> Similarly, in Bergamo, where municipal authorities have begun to move Roma from Kosovo into public housing, many families complain of overcrowding. Reportedly, families of six share one room in many instances.<sup>60</sup>

7.14 There is not always a significant difference between the quality of life in an authorised and an unauthorised camp. Roma in camps live in makeshift barracks, containers and caravans. Authorised

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<sup>56</sup> *ERRC* interview with Ms Kathryn Carlisle. April 19, 2004.

<sup>57</sup> ECRI. Second Report on Italy. Para. 65.

<sup>58</sup> *Ibid.*, para. 61.

<sup>59</sup> *ERRC* interview with Mr H.H. April 27, 2004. Turin.

<sup>60</sup> *ERRC* interview with Ms Anna Chiara Perraro, an activist working with Roma in Bergamo. April 28, 2004. Bergamo.

camps in Rome consist of standardised containers, while in other major cities they may include caravans and tents as well. Newcomers are often initially sheltered by inhabitants of longer standing until they can buy a caravan or build a shack. In about one-third of the camps visited by the *ERRC*, the ground was covered by asphalt, concrete slabs or small stones. In the remaining camps, the ground was just dirt which turned to mud with each rain and produced huge clouds of dust in summer. In the Casilino 900 camp in Rome, many shacks had been built on raised posts to keep the floor above the mud. In about half the camps there are a few trees; the rest are devoid of anything green. Some of the larger, authorised camps are reportedly rife with drugs.

7.15 According to the City of Rome's Assessor for Social Politics, Mr Carlo Chiamonte, Roma camps that are authorised are those camps that are "equipped" by the city with minimum housing code standards.<sup>61</sup> "Equipped" camps are essentially a collection of "containers" in a fenced-in area.<sup>62</sup> A typical container consists of two bedrooms, a living room/kitchen, and a bathroom with a shower, toilet and bidet. The containers have electricity, lighting, running water, and plumbing. Most of the equipped camps have communal concrete washing bins for laundry. Such equipped camps include Salviasi 1 and 2, Gordiani, Candoni, Tor dé Cenci (Via Pontina) and Bellosquardo (Via di Villa Troili). However, this is not the case outside of Rome, as many of the containers visited by the *ERRC* in northern Italy had only one room and a washroom and at Camp Via Barzaghi in Milan, for instance, the containers were not hooked up to the water supply. They also had no electricity provided and no heating. Even where basic amenities are provided, the majority of camps suffer from insect and rat infestations, poor storm drainage and inadequate garbage collection.<sup>63</sup> Further, a number of these equipped camps have become over-populated and greatly exceed the maximum number of occupancy, leading to cramped and unsanitary conditions. Candoni is indicative of this problem: in 2001 the camp was established by the City of Rome to house approximately 267 people, 5 to 6 people per container. As of August 2003, there were almost 500 people living in the camp, averaging approximately 10 persons per container.<sup>64</sup>

7.16 Respect for privacy and freedom of movement are not guaranteed in authorised camps, as well as a number of unauthorised camps. Regardless of the amenities with which camps are provided, they are all closely kept under surveillance by police. At least 29 camps have "censuses" taken by the local municipal in cooperation with the police, in which they record the personal data (including a photo) of every inhabitant of the camp.<sup>65</sup> Most authorised camps are surrounded by a wall or fence. Milan's authorised Camp Via Barzaghi was surrounded by a concrete wall approximately 10 feet tall and topped with barbed wire as of April 2004. In many instances, a gate-keeping regime renders authorised camps into places of restricted access, effectively violating the freedom of movement of Roma living there as well as that of visitors. In the Candoni camp in Rome, there is a solitary container at the entrance of the camp assigned to the police, so that officers may stay on location in the camp 24 hours a day. In order to control behaviour of the inhabitants, the police regularly place individuals under "house arrest", and leaving the campgrounds results in arrest and possible jail time.<sup>66</sup>

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<sup>61</sup> *ERRC* interview with Mr Carlo Chiamonte, Assessorato alle Politiche Sociali, Comune di Roma, July 31, 2003.

<sup>62</sup> "Containers" can be described as temporary, prefabricated mobile housing. The units are not built into the ground but instead placed upon blocks on an area of landscaping rocks. Photos illustrating these containers are included as Appendix B to this complaint.

<sup>63</sup> *ERRC* Field Mission to Rome, July 28, 2003 to August 3, 2003. Camp Candoni suffers from a serious rat problem, and as a result many families are afraid to let their children play outside in the evening. Meanwhile the camp at Villa Troili regularly floods when it rains hard, bringing in refuse and garbage into people's homes. Further, both Salviasi 1 and 2 have amassed enormous piles of garbage, including large pieces of furniture and home appliances, at the entrance of the camps that had not been collected for the past several months.

<sup>64</sup> *ERRC* interview with Mr Carlo Chiamonte, Assessorato alle Politiche Sociali, Comune di Roma, July 31, 2003; *ERRC* interview with Mr I.D., August 2, 2003.

<sup>65</sup> *ERRC* Field Mission to Rome, July 28, 2003 to August 3, 2003.

7.17 Further, police regularly cultivate unofficial gatekeepers, either through non-Roma or through the resident "Baró", or camp leader. Thirty-year-old Mr T.C., a non-Romani gatekeeper at one authorised camp told the *ERRC* that there were many "restricted" persons in the camp, meaning that their leaving the camp was forbidden partly or fully. People in authorised camps are under permanent control, while people in unauthorised camps are subjected to control at intervals. In all but one camp – the Zelarino Camp in Mestre – the *ERRC* witnessed that relations between the administration of the camp and the inmates appeared to be founded on mutual distrust and fear. In unauthorised camps such as Casilino 900, inhabitants are repeatedly subjected to dawn police raids in which officials search arbitrarily and at random for various violations and "irregular" Roma without proper documents. Meanwhile in the authorised camps of Candoni and Tor dé Cenci, the "Baró" reportedly collects payments from each container that exceeds the maximum occupancy based on the threat of informing the police of the violation.<sup>67</sup> Individuals who do not pay often have their container inspected by police soon afterwards and are frequently detained and brought to the police station.

7.18 Thus, even in "authorised" camps, inhabitants have no security of tenure and live under the constant threat of being evicted from their container home at any given moment.

7.19 The official distinction between "authorised" and "unauthorised" camps is in many localities hollow and meaningless. Further, a camp being deemed "unauthorised" does not infer an absence of active state involvement. For example, the massive unauthorised Camp Casilino 900 consists of a sordid arrangement of shanties and barracks surrounded by garbage. Although the camp is not authorised by officials, the City of Rome's presence, however minimal, is still visible. Approximately three years ago, officials provided approximately two dozen chemical toilets and installed three small fountains to supply clean water to the over 1000 inhabitants of the camp. All three fountains are located at the top of the camp, over a half a kilometre away from the lower barracks. The poor placement of the water access and its limited availability has created tensions amongst the Roma at Camp Casilino 900<sup>68</sup>, and while locals have repeatedly requested from police and other city officials an improvement of the situation, nothing has been done to date.<sup>69</sup> At the same time as the installation of the fountains, the city also set up public lighting throughout the camp, although Roma insist it was more for the aid and protection of the police officers who are frequently present during the night.<sup>70</sup> This official activity of installing water access and public lighting in unauthorised camps, compounded with the consistent police supervision in each location, begs the question of whether, in practice, all camps are authorised by the City government. The *ERRC* strongly urges the Committee to disregard any distinction between "authorised" and "unauthorised".

7.20 **Pattern and Practice of Forced Evictions of Roma in Italy:** *ERRC* monitoring of the situation of Roma in Italy has documented that Italian officials engage in a pattern and practice of forced evictions of Roma. In many instances, individuals are neither provided with due process, nor with alternate accommodation. In a number of instances, Romani victims of forced evictions have even been expelled from Italy. In such cases, authorities seeking to comply with the obligation under international law to provide alternate accommodation are significantly hindered by the fact that victims are no longer in the country. In addition, the expulsion of Roma from Italy renders access to justice by victims in cases of abusive forced evictions effectively impossible. The *ERRC* has sent a number of letters of concern to the Italian government to express concern at such actions, but these

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<sup>66</sup> *ERRC* interview with Mr I.D., August 2, 2003.

<sup>67</sup> *ERRC* interview with Mr I.D., August 2, 2003.

<sup>68</sup> *ERRC* interview with Mrs A.Z., August 2, 2003. Mrs A.Z. described three instances where competition for water access amongst the camps' inhabitants led to the water tubes being cut, leaving the whole camp without clean water for days at a time. In each incident, the tubes were repaired by a Roma in the camp, not by a city employee.

<sup>69</sup> *ERRC* interview with Ms Kathryn Carlisle. April 19, 2004.

<sup>70</sup> *ERRC* interview with Mr R.G., August 2, 2003.

appear to have had little impact to date on practices by Italian officials. A non-comprehensive list of cases of forced evictions documented by the ERRC and partner organisations follows in reverse chronological order:

7.21 On April 22, 2004, approximately 30 military police (*carabinieri*) evicted 152 Roma in 23 camper vans from a parking lot on Via Rampino, which they occupied on April 18, in the northern Italian town of Covo, according to the Bergamo-based newspaper *L'eco di Bergamo*. The newspaper reported that following complaints by local residents, on April 21 the Mayor notified the Romani group they had to leave but they did not. The *carabinierei* arrived at the parking lot at around noon on April 22 and just after 1:00 PM, the Roma left the parking lot in a convoy headed in the direction of Bergamo, escorted by *carabinieri*.

7.22 On April 15, 2004, a group of approximately 90 Romanian Roma, 70 of whom had applied for asylum and about 20 of whom had not, were evicted from the shacks they had been living in by the river in the northern Italian city of Turin, according to Ms Carlotta Saletti Salza, an activist working with Roma in Turin.<sup>71</sup> According to Ms Saletti Salza, police destroyed the shacks in which the Roma had been living, along with all of their personal possessions. Twenty Roma without any legal papers to be in Italy were expelled following the eviction. One Romani woman was reportedly “invited” to go back to Romania because she had not legalised her stay in Italy. She did not go, but, according to Ms Saletti Salza, the authorities took her child into state custody. The 70 Roma who had applied for asylum occupied Turin’s Immigration Office for two days following the eviction. At this time, a number of vans arrived to move them to an empty school, where they were to live temporarily. Thirty-six people were moved to the school, but the remaining 24, afraid to get into the vans, left the office. After the 36 Roma arrived at the school, local residents protested in front of the school, so a temporary camp with only three large tents was opened in a field for those who had occupied the Immigration Office. Ms Saletti Salza stated that the 24 Roma who fled the Immigration Office have asked to be housed at the camp but the Immigration Office refused. Mr Alfredo Ingino, Coordinator of Nomad Camps for the Municipality of Turin, informed the ERRC that the group, which included a number of children, had returned to the river and rebuilt their shacks.<sup>72</sup> Immigration officials reportedly now visit the camp twice per day in an attempt to control the number of people living in the camp and have announced that if the camp grows at all, they will close it. The Roma have also been told that they will not likely receive asylum, according to Ms Saletti Salza. On April 27, 2004, the ERRC visited the camp, which had only three portable toilets and one small water container that was reportedly filled only once per week. There was no electricity or other source of water available. None of the Romani residents were present.

7.23 On April 1, 2004, at around 9:30 AM, approximately seven hundred police officers, *carabinieri* (military police), traffic police, firefighters and military officers evicted more than 200 Romanian Roma from the building they had occupied at Via Adda 14 in Milan for two years, according to the Italian national newspaper *La Repubblica*, as reprinted in the Romanian national newspaper *Evenimentul Zilei* on April 13, 2004. Around 350 Romanian Roma “caught” in the area had reportedly been expelled to Romania in the weeks leading up to the eviction. Mr Ernesto Rossi, an activist working on Romani issues in Milan, informed the ERRC that 185 Roma from Via Adda without legal permits to be in Italy were expelled to Romania following the eviction on a charter flight.<sup>73</sup> Municipal authorities moved 60 to 70 Roma with legal permits (many registered officially at Via Adda) to be in Italy to a newly constructed camp on Via Barzaghi. One of the Roma evicted from Via Adda, Mr Adriano Tanasie, an approximately 30-year-old Romani man, testified to the ERRC that the group was not given formal notice of the eviction prior to its execution; they learned of it on television in the days leading up to the eviction.<sup>74</sup> To Mr Tanasie’s knowledge, the authorities did not

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<sup>71</sup> ERRC interview with Ms Carlotta Saletti Salza. April 27, 2004, Turin.

<sup>72</sup> ERRC interview with Mr Alfredo Ingino, Coordinator of Nomad Camps. April 27, 2004. Turin.

<sup>73</sup> ERRC interview with Mr Ernesto Rossi. April 26, 2004. Milan.

<sup>74</sup> ERRC interview with Mr Adriano Tanasie. April 26, 2004. Milan.

present a warrant at the time of the eviction. The authorities reportedly told the Romani inhabitants of Via Adda that if they were quiet and did not protest, nothing would happen to them. Mr Tanasie testified that everyone was brought to the police station where their documents were checked. Those with legal documents to be in Italy were released at around noon of the same day and moved to the new camp on Via Barzaghi. The evicted Roma were not permitted to take their possessions. Appliances were reportedly placed in storage, but Mr Tanasie told the ERRC that he went back to Via Adda several days later and saw workers collecting the group's belongings like garbage. At the time of the ERRC visit, the Roma were living in twelve containers and three tents in Camp Via Barzaghi, surrounded by a cement wall approximately 10 feet tall topped with barbed wire, under the 24-hour surveillance of two armed police officers in civilian clothing. Mr Tanasie stated that the officers did not allow anyone aside from the inhabitants to enter the area, not even family members living on the outside of the wall. Indeed, the ERRC conducted interviews on the street because it was not permitted to enter the camp. Mr Tanasie also stated that the officers checked their bags every time they entered the camp. The camp was equipped with six portable toilets and one water tap. There was no electricity, the showers in the containers were not connected to the water supply and there was no heating. There were also no cooking facilities; the Roma were forced to cook outside on fires. The Roma complained to the ERRC that the municipality had not given them any information as to how long they would stay at Camp Via Barzaghi or whether they would move. The ERRC was informed that a number of people were having difficulties renewing their permits of stay as Camp Via Barzaghi did not have a recognised municipal address. Further, the residence permit of at least one resident, Mr M.B., was renewed, but the authorities refused to give it to him as he no longer lived on Via Adda, the address for which the permit was issued. The refusal to issue permits by authorities was reportedly making it very difficult to gain and keep regular employment. The ERRC was also informed that many families were separated during the expulsions that took place; for example Mr Lucian Tanasie told the ERRC that his common-law wife Cristiana Porcescu and their 5-year-old daughter were expelled to Romania following the eviction.

7.24 The ERRC also learned that a number of families, in which not all members had legal permits to be in Italy, who left Via Adda on March 31 to avoid the eviction were effectively made homeless by the eviction. Mr Vaduva Romulus, an approximately 35-year-old Romani man with a permit of stay, testified that his family left its Via Adda home on March 31 because his wife and child did not have legal permits to be in the country and they feared being expelled. Mr Romulus stated that when he heard that persons from Via Adda with permits of stay were being housed at Camp Via Barzaghi just after the eviction, he asked the Civil Protection Office if his family could be housed in the new camp but was refused because they were not present at the time of the eviction. Mr Romulus, his wife and baby were living in a 2-person pop-up tent outside the wall of the new camp. The area is without services, full of rubbish and, according to Mr Romulus, infested with rats.

7.25 According to the Italian on-line news source *Indymedia Italia*, at around 2:30 PM on February 22, 2004, *carabiniere* destroyed several Romani homes in Rome's Camp Casilino 900 after having chased an allegedly stolen car into the camp. According to the report, the *carabiniere* shot their guns in the air when they entered the camp before proceeding to beat several inhabitants and destroy a number of homes. Camp residents reportedly protested against the *carabiniere* misconduct but were unsuccessful in stopping their actions. After some time, an ambulance arrived at the camp to treat injured Romani residents but, according to the report, many of the Roma refused to say what had happened to them because they did not have legal permits to be in Italy. Two women who did complain were reported arrested immediately and taken to Rome's Immigration Office for an identity check. Several *carabiniere* were quoted as having stated, "We enjoy hitting Gypsies".

7.26 On September 17, 2003, the Italian anti-racism group *Cesar K* informed the ERRC that in August 2003, 220 Roma, primarily from Romania, were evicted from the 72 caravan camp in which they had been housed by local authorities eight months earlier after their illegal settlement had been destroyed. Many of the Roma had not succeeded in regularising their stay in Italy. *Don Calabria*, a Catholic organisation working with the families, made a 3-year agreement with the local government whereby the families which had sent their children to school the year earlier were housed in caravans to two separate areas on the southern periphery of the city. *Don Calabria* was reportedly attempting to procure legal documents for these families. As of October 7, 2003, one of the sites had already been



dismantled and the families dispersed between the second site, public houses and shelters. Thirty families comprising approximately 90 people, including small children, were not provided housing in the new locations. Ten families remained at the site of the old camp while others left Verona. *Cesar K* reported that on August 28, 2003, women and children from the ten families were temporarily moved to the building of a former school where, for four days, they were harassed by approximately 30 skinheads, who threatened to "Burn the Gypsies" and local residents, who were reportedly angered that the school had been closed to their children but given to "Gypsies". The men were left to their own devices and reportedly stayed on the grounds of a festival. The local government then moved the women and children to Camp Boscomantico, an old military airport outside Verona. Soon thereafter, their male family members had been permitted to join them and a project ran by a local non-governmental organisation with support of the local government had commenced wherein informal schooling and housing was provided. By December, the other 20 families had returned to Verona and lived in tents under a highway overpass until they were permitted to move to Camp Boscomantico. At the time of an ERRC visit in April 2004, all 30 families remained at the camp, but the project was to end as of May 31, 2004 and the agreement with the military to use the grounds for housing was to expire as of June 30, 2004. No plans had been made for after this time and none of the Roma had succeeded in procuring legal permits to be in Italy.

7.27 On February 6, 2003, at 6:00 AM, approximately 50 municipal police, *carabinieri* and fire fighters entered the Via Salaria Romani camp in Rome with bulldozers and ordered the approximately 300 Romani inhabitants to evacuate the premises. Roma from the camp informed the *ERRC* that it was announced that their shacks and campers would be destroyed and that they were to move to the Via Salone Romani camp at another location in Rome. As the dismantling of the camp was taking place, Mr C.D., a 33-year-old Romanian Romani man living in the camp, testified to the *ERRC* that they were simply put out on the street. At approximately 9:15 AM, a roadblock was set up on the road outside the camp in an attempt to keep the Romani inhabitants from re-entering the camp. Mr Luigi di Stefano, Rome's Municipal Police Co-ordinator, testified to the *ERRC* that the residents had not received any notice that the eviction would take place. When the *ERRC* left the camp at 1:30 PM, most of the shacks and campers had been destroyed and all of the personal belongings of the Romani inhabitants were scattered throughout the camp.

7.28 In mid-October 2002, police raided the unauthorised Via Magliana Romani camp on the northwestern periphery of Rome, according to the testimony of Ms Liliana Baboi, a 25-year-old Romani woman, provided to the *ERRC* on December 12, 2002. Ms Baboi reported that police entered the camp at 4:00 AM, loaded all the Roma living in the camp onto a bus and brought them to the immigration headquarters at the Via Genoa Police Station. At the station, Ms Baboi stated, the Roma were fingerprinted and photographed, after which they were held until around 2:00 AM the following evening, when they were taken to another camp and without their possessions. Ms Baboi reportedly went back to the Via Magliana camp in the morning and found that everything in the camp had been destroyed while the Roma were held at the police station.

7.29 On August 11, 2002, the Parma-based daily newspaper *Gazzetta di Parma* reported that earlier the same day, municipal police dismantled the Romani camp Via Tangenziale in Parma in northern Italy. At around 9:30 AM, bulldozers entered the camp, which was allegedly unsuitable for living, and began the operation. Roma from the camp were reported in *Gazzetta di Parma* as having stated that the camp was infested with rats and mosquitoes and that they were ready to move to a new camp that had been promised to them by city officials ten years earlier. On November 8, 2002, Mr Massimo Albieri, Chief of the Parma Immigration Office at the time Camp Via Tangenziale was dismantled, stated to the *ERRC* that 18 Roma from the camp were moved to Camp Cornocchio, also in Parma. Police reportedly expelled one family of six to Bosnia and Herzegovina following the dismantling of the camp. Mr Albieri also stated that a family of six was staying in Turin in northwestern Italy because the wife was appealing an expulsion notice she was served following the eviction.

7.30 On July 4, 2002, the Milan-based daily newspaper *Il Giorno* reported that, on July 2, 2002, in the town of Monza, in central Italy, approximately 60 Roma were removed, along with their campers, vans and cars from camp Via Carrá by municipal police and military police. According to *Il Giorno*, the remaining 10 Roma were expelled from the camp early in the morning on July 4, 2002.

7.31 On July 3, 2002, the Florence daily newspaper *La Nazione* reported that around 300 Romani refugees from Kosovo were to be removed from Camp Masini on the periphery of Florence, by the police. According to *La Nazione*, approximately 30 of the families were to be moved to the Poderaccio camp where the municipal government had set up prefabricated housing units. On August 2, 2002, the ERRC received information from Mr Piero Colacicchi of the Association for the Protection of Minorities that, beginning July 5, 2002, 90 Roma were expelled from Camp Masini. On the same day and also on July 8, 2002, the police entered camp Masini with bulldozers, which was reportedly guarded by police and military police, and proceeded to destroy huts in the camp. Mr Colacicchi further informed the ERRC that, "For a whole week, the Roma were left on their own and lived under self-made tents with twenty or so children." One week later, after protest by the Roma and NGOs, some were moved to a gymnasium and some were placed in economy hotels around Florence with the assistance of the city. Approximately 160 Roma remained at the Masini camp because they had no where else to go. Two families were reportedly threatened with expulsion because they did not have residence permits.

7.32 On July 2, 2002, the Bologna-based daily newspaper *Il Resto di Carlino* reported that at sunrise in Ancona, a central Italian town on the Adriatic Coast, municipal police removed Roma in their campers with municipal towing machines, as a final step in dismantling their camp on the town's periphery.

7.33 On July 1, 2002, *Il Giorno* reported that, on June 30, 2002, following a raid at Camp Via Triboniano in Milan, 70 Romanian Roma were taken to the Milan Central Police Station for identity checks which resulted in 6 Roma being served expulsion notices.

7.34 On December 21, 2001, Mr Fabio Zerbini, an attorney working with *3 Febbraio* and *S.O.S. Anti-Expulsion Switchboard*, reported to the ERRC that on November 6, 2001, municipal police began dismantling Milan's Camp Barzaghi at dawn. Romani families possessing resident permits were moved to Camp Triboniano. Approximately 130 inhabitants had their homes destroyed with their belongings inside, resulting in loss of property. Many inhabitants were away from the site and returned to find the area bulldozed. As of March 1, 2002, approximately 80 Roma were occupying an abandoned building owned by ENEL, the state-owned energy company, on Sapri Street in the northwestern periphery of Milan. Field investigation conducted by the ERRC revealed that as of October 24, 2002, about 100 Roma who were not provided with accommodation following the dismantling of Barzaghi camp appeared to have returned to the site of the former camp and were living without any shelter, sanitary facilities or electricity. According to the Italian daily newspaper *Il Nuovo*, a number of Roma were expelled from Italy following the destruction of the camp. *Il Nuovo* reported on May 27, 2002, that on May 26, 2002, in front of the Milan City Hall, around 50 Romani men, women and children who had been removed from Camp Barzaghi in November 2001 protested because they had not yet been provided alternative housing.

7.35 According to the October 27, 2001, edition of the Italian national daily newspaper *Il Nuovo*, on October 6, 2001, approximately 40 Roma in Milan publicly protested against the expulsion of 20 Roma during the first week of October following a police raid at Camp Barzaghi on the northwestern periphery of Milan. All of the expelled Roma reportedly lacked resident permits, but were employed as painters or masons in Milan. *Il Nuovo* also reported that police violence had allegedly taken place during raid and expulsions. One Romani man was quoted as stating, "plainclothes policemen entered our trailers, forced open the door and took us by force, including children. They wanted to expel us like animals; one of us was punched, too." The expulsions were apparently part of the municipal programme launched in October 2000, to dismantle Camp Barzaghi. According to *Il Nuovo* of October 31, 2001, more than 1,000 Roma from Kosovo, Bosnia, Romania and Macedonia lived in the camp, yet it offered no sanitary facilities, no electricity and no water. In October 2000, the mayor of Milan, Mr Gabriele Albertini, announced that the camp would be dismantled and 250 selected Roma would be separated according to their "country of origin," and moved to authorised camps on Novara and Triboniano streets, in the western and northwestern periphery of Milan, according to the October 31, 2000 edition of *Il Nuovo*. To determine eligibility for entering the camps, the city held a census in Camp Barzaghi beginning on August 6, 2001, followed by document checks and verifications in

September. According to *Il Nuovo*, 180 Roma were ordered to leave Italy before October 15, 2001, as a result of the city's count. The Italian non-governmental organisation *S.O.S. Anti-expulsion Switchboard* confirmed that, as of March 1, 2002, 5 Roma previously living in the camp had been expelled to Romania.

7.36 On August 24, 2001, the Italian national daily newspaper *La Repubblica* reported that a "Blitz in Nomads' Camps" had taken place the previous day. In the Emilia-Romagna region in Navi, the Regina city administration called on local police to disperse Roma travelling in 10 campers, which were parked in an unauthorised zone. Residents and workers in the area were reported by the Bologna daily newspaper *Il Resto del Carlino* to be "alarmed by the presence of nomads."

7.37 On May 20, 2001, at around 7:00 AM, police entered the abandoned farmhouse at Camp Via Salone, on the southern periphery of Rome, where approximately 100 Roma lived, according to reports by the Italian-based non-governmental organisation *3 Febbraio* and *ERRC* field research. Around 30 Roma were taken into police custody for identity checks. Five were released after around 14 hours of detention. The other 25 had not returned to the camp as of August 22, 2001, and there was no information as to their whereabouts.

7.38 According to the Italian non-governmental association *3 Febbraio*, Romani inhabitants from the unauthorised Camp Tor Carbone left and occupied an abandoned site at Via Appia Nuova 801 on the morning of March 28, 2001. The 60 Roma who made the move cited poor living conditions at Tor Carbone, where there is no water, electricity or sewage system, as the reason for their move. On the morning of March 31 four police officers arrived at Via Appia Nuova and ordered the Roma to leave, stating that the owner of the property had filed a complaint. According to witnesses interviewed by *3 Febbraio*, two hours after their first visit, three armoured police cars with approximately seventy police officers in riot gear arrived at the site and told the Roma to leave the property or else they would be arrested. The Roma left the site and returned to the Tor Carbone camp the same afternoon.

7.39 According to *ERRC* research, on October 9, 2000, 230 Roma without residence permits who lived at Camp Barzaghi in Milan reported that state police and *carabinieri* had ordered them to leave the area. Five shacks and a tent were pulled down and personal belongings were destroyed. One Romani man, 26-year old Mr B.Z. from Bosnia, reported that police laughed at him when he asked to file a complaint and told him to go "back to his home." The Italian daily newspaper *Il Manifesto* reported on October 12 that the 230 Roma who had been forced out had returned to Camp Via Barzaghi. On January 26, 2001, at around 6:00 AM, between 40 and 50 *carabinieri* carrying truncheons, rifles and dressed in riot gear, reportedly told inhabitants of the camp to leave dwellings they inhabited and to leave behind their personal possessions. One week after the raid, municipal authorities cut the electricity which until that point had been provided to one area of the camp.

7.40 Over the course of the spring and summer of 2000, Camp Casilino 700, located 12 kilometres from the centre of Rome, was almost entirely dismantled by authorities in Rome. The unauthorised camp was inhabited by 1,500 people. At approximately 7:00 AM on August 1, 2000, about 20 municipal police arrived at Casilino 700, with three small police buses, and began selecting Roma and loading them onto the buses. According to eyewitnesses, authorities told the Roma that the raid was a "regular security check". One Romanian Romani man was taken into custody at the Ponte Galeria Detention Centre pending expulsion from Italy. The others were released around 8:00 PM and left to return to the camp on their own. At approximately 7:00 AM on August 2, municipal police arrived with three small police buses and took approximately 18 Romanian Roma to the Via Genoa Police Station to be fingerprinted and checked. Around the same time, Police Commander Buttarelli of the Rome's 7<sup>th</sup> District arrived with approximately 20 municipal police officers and Lieutenant Lodoni, head of the municipal police unit overseeing Casilino 700 and destroyed two shacks belonging to Romani families who were not present at the time, with all of the families' possessions inside, according to eyewitnesses. Police announced that the "Macedonian zone" of Camp Casilino 700, home to approximately 200 people, was slated to be dismantled on the morning of August 4. Macedonian Roma legally in Italy would be transferred to the new Camp Tor de' Cenci. No public statement was available as to what would happen to those individuals not in possession of legal permission to stay in Italy. Commander Buttarelli also reportedly announced that approximately 120 Roma from Romania

were to be transferred to Camp Via Candoni/ATAC, which had been dismantled in May 2000 and was not rebuilt at the time. According to eyewitnesses, Lieutenant Lodonì told a group of Roma from Romania that those who were not part of the official list for transfer should “disappear” by September 1 because if they were found at Camp Casilino 700 they would be removed forcibly by police. Those with residence papers were to be allotted the pre-fabricated housing at Camp Tor de’ Cenci. Tor de’ Cenci was equipped with 58 containers as of August 2. Fifty-five were reportedly intended for Romani families, one designated for police officers who would provide around-the-clock surveillance, another was designated for employees of the State Medical Service, and one would be used for children’s activities. Each prefabricated shelter is approximately 25 square metres. Married couples without children were told that they did not have the right to a private container. Roma were told not to bring their own campers, only cars and vans.

7.41 (case continued) On August 26, two plain clothed police, Lieutenant Lodonì and police photographers arrived at Camp Casilino 700 with two bulldozers. The authorities instructed the inhabitants of 8 shacks in the Romanian area of the camp to remove their possessions from the shacks, after which police photographed the insides of the shacks. The Romani residents were then told that they were “free to leave” and the police destroyed the 8 shacks.

7.42 (case continued) On August 28, police destroyed another 15 shacks in the same area, and in the same manner as on August 26. Approximately 150 inhabitants had been expelled from the camp since August 26, without the provision of alternative accommodation. As of October 9, some were sleeping in abandoned buildings, some at the Via Salone camp, while the whereabouts of others remained unknown.

7.43 (case continued) At about 6:15 AM on August 29, Lieutenant Lodonì, approximately 15 uniformed police officers and 8 plain clothed policemen destroyed 10 more shacks at Camp Casilino 700, without checking to ensure the inhabitants had removed all of their possessions first. One woman, who was at a local water fountain, reportedly arrived just in time to pull her sleeping two-year-old child from his bed before her shack was knocked down. Mr Giorgio Bultianu, a 61-year-old Romani man legally resident in Italy, suffered the loss of his means for survival, two violins, when the police destroyed his shack containing all of his possessions. Mr Bultianu, who was in Romania at the time, learned of the loss via telephone. The 10 shacks torn down on the morning of August 29 brought the total number of dwellings destroyed to 33 since August 26.

7.44 (case continued) After Romani protests against the destruction of their possessions on August 30, at around 6:30 AM on August 31, more than 30 armed police dressed in riot gear entered Camp Casilino 700. Police closed off the entrances to the camp and refused entry to journalists, associations and observers. At around 7:30 AM, a crowd of around 200 Roma in the camp broke open the locked gate of the camp to allow observers and activists to enter. Police reportedly reacted with verbal and physical violence, pushing people, and reportedly drew weapons as a threat against the Roma. Auxiliary police were called in; most of the police regularly assigned to the camp who were well known to the Roma and activists working there, were not present. Approximately 10 Romanian Roma were taken away, reportedly to the Immigration office on Via Genoa and the remains of previously destroyed homes were bulldozed into a heap. Roma whose possessions had been inside the demolished homes were not allowed to examine the remains or attempt to recover lost goods until sunset, when the police left.

7.45 (case continued) During a September 6 visit to Camp Casilino 700, Advisor for Nomad Affairs of the City of Rome Dr Luigi Lusi and Lieutenant Lodonì informed Roma without permits that they would have to leave the camp. Dr Lusi also stated that the final dismantling of the camp would take place on September 13. When asked by one Romani inhabitant if that meant expulsion from Italy, Dr Lusi refused to comment.

7.46 (case continued) At around 6:30 AM on September 9, approximately 40 armed police dressed in riot gear entered Camp Casilino 700 and destroyed the shacks of Roma without residence permits. Some of the 250 Roma without permits, the last irregular inhabitants of the camp, left Casilino for Camp Via Salaria on Rome’s northern periphery (about 16 kilometres away) after being instructed to

go there by authorities. They were met at Camp Via Salaria by hostile local demonstrators. Police then accompanied a number of Roma from Camp Via Salaria to Camp Via Salone, another of Rome's outlying areas, but the authorities there were not prepared to receive the Roma. Many families had to sleep in their cars and, as of October 9, many had left Camp Via Salone and settled in a large abandoned house nearby.

7.47 (case continued) On September 11, more shacks in Camp Casilino 700 were destroyed; the only remaining inhabitants of the camp were the 350 Roma with legal permission to stay in Italy. In the very early morning hours of September 22, a group of five urban police entered Camp Casilino 700 and, according to witnesses, informed inhabitants of the Macedonian area of the camp that they should stay in their shacks until the morning because there would be a "routine check". At 6:30 AM, two small police vans, twelve police officers, Lieutenant Lodoni, and Mr Serpieri of the Rome Immigration Office reportedly arrived with a list of the men they were looking for. They located five Macedonian Romani men, and, according to witnesses, told them each to "pack a small bag with their belongings." At 2:30 PM their whereabouts was unknown and the Immigration Office on Via Genoa refused to give the ERRC monitor any information regarding the detentions or possible expulsions. The five men had no immediate family in Italy and had been threatened with expulsion on various occasions, though never issued an expulsion notice. On September 26, the ERRC learned that two of the men had been expelled from Italy, two remained in detention as of that date, and one had been released from custody. As of September 25, about 250 people, all legal residents of Italy, remained at Camp Casilino 700. They were awaiting transfer to the rebuilt Camp Carrucci, scheduled to be completed by October 15, which was only scheduled to hold 200 people.

7.48 At approximately 6:30 AM, on August 7, 2000, 7 municipal police cars, 3 high-security cars and 2 state police vehicles arrived at Camp Carucci on the outskirts of Rome with municipal police, representatives from the City of Rome, local council member Salvatore Margerita and Counsellor for Nomad Affairs of the city of Rome Dr Luigi Lusi, and dismantled the camp. Camp Carucci had been established to temporarily accommodate Bosnian Roma after the March 3, 2000, dismantling of the Tor de' Cenci "unauthorised" camp, which resulted in the expulsion of 56 Bosnian Roma. As of Sunday, August 6, 2000, 138 Roma lived in Camp Carucci. On August 7, when the dismantling and preparation for transfer began, approximately 15 Roma were taken into police custody for identification and fingerprinting, then transfer to Camp Via Salone. No statement was made as to why they were detained and why they were transferred to Camp Via Salone. They were told that it was a "routine check". Of the 15 taken into custody, 3 were adult females and the rest minors. Ninety-three Roma from Camp Carucci were officially assigned housing at Camp Tor de' Cenci and transferred on August 9 and 10, escorted by police. The police impounded the 9 campers of 14 Roma who were not present when the police arrived on August 7, with their possessions inside, and later transferred these Roma to Camp Via Salone. However, the residents of Via Salone chased them out of the camp and some returned to Camp Via Carucci to stay with relatives and friends while others were sleeping outside of camps. As of October 9, only 5 people from Carucci had actually been given housing in Camp Tor de' Cenci. Eight families, a total of 40 people, remained without assigned housing, and were sleeping in their cars, vans, in the open, near the camp. Witnesses heard Dr Lusi, when questioned by several Roma regarding their future, respond with obscene language and suggest that they "disappear".

7.49 According to field research undertaken by the ERRC and the Italian non-governmental organisation *ARCI*, in the early morning hours of May 28, 2000, more than 1,000 municipal police officers, *carabinieri* and members of the military conducted a series of raids on the Arco di Travertino, Muratella, via Candoni-ATAC, la Rustica and Vasca Navale camps in Rome. During all of the raids, police closed roads in a one-kilometre radius around the camp areas. In a press release related to the raids, dated May 28, 2000, the City of Rome's Advisor for Nomad Affairs Dr Luigi Lusi stated, The City of Rome confirms its battle against criminality and delinquency. We have sent away the delinquents."

7.50 At Camp Via Candoni-ATAC, more than 200 municipal police officers and *carabinieri* arrived in riot gear, carrying rifles and truncheons, with military buses, two ambulances, four tow trucks and bulldozers at approximately 2:15 AM and began ordering individuals out of their places of

residence -- camper vans and shacks. The police told the 200 inhabitants to pack their belongings because they would be transferred to another camp. However, some camper vans were towed away with belongings inside. Members of *ARCI* and other observers, who arrived shortly after the raid began, reported that police used excessive force, using discriminatory and abusive language against the Roma present. Officers refused to provide identification or to provide names and titles to the *ERRC* or to journalists present at the raid. Romani inhabitants of Camp Via Candoni-ATAC were taken to Camp Muratella. One family, the T. family from Bosnia, was reportedly expelled from Italy with four children and sent to Bosnia, though no official had confirmed the expulsion as of July 2000. Dr Lusi, who was present at the raid, told the *ERRC* that it was “a simple and legal operation to give these people a better living space.” When queried as to why the operation took place in the dead of night and without being announced, Dr Lusi told the *ERRC*, “when working with criminals, one has to move in secrecy, or else they will all escape.”

7.51 At Camp Vasca Navale, in response to a prior tip that the camp would be raided, all but 3 of the 90 inhabitants fled the scene before police arrival. Police took the 3 inhabitants remaining to Camp Muratella, and informed them that the camper vans at Camp Vasca Navale would be impounded, but inhabitants would be allowed to recover their belongings later. Instead, 20 vehicles were destroyed, four or five were impounded, all shacks were torn down and the camp was closed. City council member Mr Amedeo Piva later told members of *ARCI* that the destruction of the camper vans had been a “mistake” and that they would be replaced.

7.52 More than 100 municipal police officers and *carabinieri* in riot gear and carrying rifles and truncheons arrived at the authorised Camp Arco di Travertino at approximately 1:30 AM with a police bus, ambulance and two tow trucks. The authorities attempted to evict the 40 inhabitants of the camp, 39 of whom were either Italian citizens or held valid residence permits, to Camp Arco di Travertino. At approximately 10:30 AM, after a nine-hour siege, the police evidently abandoned plans and left the premises.

7.53 According to media reports and eyewitness testimony, in the early morning hours of March 3, 2000, 400 municipal and state police took part in an unannounced three-hour raid and dismantled Camp Tor de' Cenci on Rome's northern periphery, inhabited mainly by Roma from Bosnia. Officials destroyed property belonging to Roma in the process of dismantling the camp. According to *ERRC* research, a simultaneous operation took place in Camp Casilino 700, also in Rome and aimed at Bosnian Roma. According to witnesses, a squad of police and *carabinieri* violently entered the camp. Officials reportedly broke windows and used abusive physical force while detaining individuals, as well as insulting the ethnic origins of Roma in the camp. Authorities detained approximately thirty Roma from the upper right zone of Casilino 700, known to be the “Bosnian” area of camp. That afternoon, 56 Bosnian Roma, 36 from Camp Tor de' Cenci and 20 from Camp Casilino 700, were expelled as a result – One 15-year-old Romani boy, Mirsad O., was separated from his mother when police refused to believe that the woman with whom he was taken away was his aunt. Mirsad O. was deported to Bosnia in his pyjamas, while his mother, Devleta O., remained in Italy. During the week following the two raids, police returned frequently to Camp Via Carucci. Journalists and monitors were not allowed to witness the operation, neither the breakdown of the camp, nor the deportation from the airport. Referring to the Roma concerned as “nomads”, Rome's Mayor, Mr Francesco Rutelli, stated in a faxed press release dated March 6 that the operation had been “successful” and that police removed “nomads involved in illegal activities.” In November 2002, the Italian government settled cases brought against it before the European Court of Human Rights by two of the Bosnian Romani families who were expelled. Pursuant to the settlement, Italy agreed to revoke the expulsion decrees, return the plaintiff families to Italy, grant them humanitarian residence permits and pay financial damages of over 160,000 Euro. The applicants were represented by attorney Nicola Paoletti of Rome, jointly with the *ERRC*.

7.54 According to *ERRC* research, between 3:00 and 4:00 PM on January 22, 1999, eight uniformed police officers and sixteen men in street clothes evicted 10 Bosnian Romani families comprising about 100 people from the unauthorised camp in Milan's Eboli-Battipaglia industrial zone. Mr I.B., one of the evicted Roma, told the *ERRC* during a January 23 visit that the police had told the residents that they should leave the site “right away”, otherwise they would seize the eight cars and

destroy the four trailers at the site. Mr. I.B. told the *ERRC* that he asked the policemen why they were evicting them as well as to see the papers authorising the eviction. He received no answer and was shown no papers. The residents packed and left hurriedly while the police watched. The *ERRC* saw many of the evicted Roma's possessions strewn around the site of their former home. The around 30 members of the B. family spent the night in their cars in the same industrial area, about 10 kilometres away, in an area that looked like an old dump, in front of a dilapidated factory building. Mr I.B.'s family arrived in Italy in 1990. At the time of the *ERRC* visit, they had never received residence permits; the last time they applied had been a month and a half prior to the *ERRC* interview. Authorities had repeatedly evicted them from sites and forced them to move on. Mr I.B. informed the *ERRC* that he had been living with his relatives for about 3 years in this industrial zone, during which time they were chased from one site to another every 4 or 5 months. In a subsequent interview with the *ERRC* on April 1, 2000, Mr I.B. stated that police had raided the site another seven times in the 14 months since the *ERRC* had first interviewed him.

7.55 According to the Italian daily newspapers *Il Manifesto* and *la Repubblica* of June 21, 1999, an anti-Romani pogrom had broken out in the town of Scampìa, on the northern periphery of the Italian city of Naples. According to reports, on the evening of June 18, a Romani man, reportedly drunk, ran into two local girls on a motor scooter with his car, seriously injuring both of them, then fled the scene. The following morning, locals whom articles in the Italian press and television described as young men with shaved heads and earrings, tattooed and riding scooters, armed with wooden clubs, guns and gasoline, entered one of six Romani camps in the area and told the inhabitants to "leave or be burnt with the camp". They then set fire to the camp. The fires drove out all 1,000 inhabitants, who fled under a shower of applause from the neighbours on the surrounding balconies. According to media reports, the victims claimed police did not intervene to prevent the pogrom despite several calls to the emergency services. Approximately 1,000 Roma escaped south to the town of Salerno, as well as north to the region of Lazio. The next morning, 200 Roma returned and as of June 20 were under police protection. Locals continued to throw firebombs into the smouldering barracks throughout the day and evening of June 20, despite police presence.

7.56 On April 14, 1999, at about 8:30 AM, approximately 30 police officers evicted around 100 Roma from two municipally owned slum houses on Via Castiglia in Milan, where they had been squatting. The evicted Roma were not offered alternative housing. The Roma were given two hours to move out. Many men were at work, so their wives had to go and find them, which made the allotted time insufficient. The police conducted an identity check and found all the Roma to have Romanian passports or other adequate identification — most of the Roma there had emigrated from Romania. When all the Roma had left the houses, their doors were sealed off with concrete. The belongings and documents of Roma who had not been found in time remained inside the houses. The municipality, which had initiated the forced eviction, gave the squatters two options. The first was to break up the families and shelter the women and children under the Civil Protection programme. The other option was that they all move to Camp Via Barzaghi, on the periphery of the city, which had no infrastructure at all: no toilets, no water and, at that point, no officially provided electricity; there were also no barracks or other shelter. As neither option was viable, on April 19, 1999, a delegation consisting of representatives of the evicted Roma and supportive local NGOs and the *ERRC* met with members of the local council to voice their urgent need for housing. Councillor Fumagalli told them that normally what all Roma want is a camp and not a house. Councillor Fumagalli elected to stick to the preconception that all Roma are nomads who should be kept in the nomadic state apparently for their own good.

7.57 According to *ERRC* research, on January 26, 1999, municipal authorities and police had destroyed with bulldozers makeshift barracks in an unauthorised camp in the same street as Camp Via Castiglia in Milan. As they had not been provided alternative accommodation, the Romani families had moved into the unoccupied house next door. Less than one hour before the January 27 visit of the *ERRC*, authorities had destroyed another Romani camp on the other side of the street and its inhabitants were left without shelter. Later they moved into an unoccupied slum house in Via Castiglia. At the time of the eviction, 59 Romani families altogether were squatting there.

7.58 In some localities, the expulsion of and/or racial segregation of Roma has become a matter of high profile political platform. For example, in the northern Italian city of Verona, the local right-wing Lega Nord (Northern League) party undertook a two-year campaign from August 2001 until mid-2003 aiming to expel Roma from the city. Newspaper items and posters plastered all over Verona between August 2, 2001 and mid-October 2001, promoted by the Lega Nord, included statements such as "Gypsies must leave town", "they keep children as slaves", and "without working, they travel around in big Mercedes". Members of the Lega Nord also organised a petition published with press releases posters hung throughout the town, which stated, "For the Security of the Citizens, Expel the Gypsies from Our Town" and "Notice to Expel the Gypsies from Our Town". On September 15, 2001, members of the Lega Nord began collecting signatures as part of the campaign. The hate campaign reportedly began after a group of approximately 70 Italian Sinti had been evicted on three occasions beginning on July 5, 2001, without the provision of any alternate accommodation. In the first eviction, the Sinti were expelled from an area in which they had been living for the preceding 5 years. The hate campaign began in August 2001, apparently because the municipality had reached an agreement whereby the Sinti at issue were permitted to stop at a parking lot ran by an association. A number of the victims subsequently sued members of the Lega Nord for incitement to racial hatred. Decision is slated to be handed down in the case in September 2004.

7.59 **Abusive Police Raids Leading to Destruction of Property and/or Threatened Eviction or Expulsion, Calling into Question the Adequacy of Romani Housing:** In addition to the cases detailed above, the ERRC has documented a number of instances on which police and/or other officials have abusively raided Romani housing in Italy. The cases presented below call seriously into question whether the dwellings Roma inhabit in Italy enjoy the same protections as those of non-Roma, and therefore whether they can be considered "adequate housing" in the sense of the Revised Charter and related international laws.

7.60 On April 27, 2004, police conducted a raid at Rome's Camp Villa Troili during which 29 Romanian Roma were taken for identity checks at Rome's Immigration Office, according to Ms Szilvia Simai, an activist working on Romani issues in Italy. According to Ms Simai, Roma she spoke with at the camp following the raid reported that a number of *carabinieri* arrived on several busses and took everyone who did not have regular permits to be in Italy. Mr Fabio Bellini, president of Rome's 16<sup>th</sup> District, was quoted in the Italian national daily newspaper *Il Messaggero* as having stated that those Roma without residence permits would be expelled from Italy. As of May 18, the ERRC was not aware whether any of the detained Roma had been expelled.

7.61 According to the Italian national daily newspaper *Il Manifesto* of April 28, 2004, 400 Romanian and Russian Roma residing in Naples' former Sport Palace were threatened with eviction by municipal authorities. The daily reported that municipal authorities intend to "clean up" for former Sport Palace but do not intend to provide alternative accommodation for the evicted Roma. After several demonstrations organised by the Romani organisation *Opera Nomadi* and the anti-racism movement *Immigrants in Movement*, on April 27 Naples authorities extended the eviction date for an undetermined period of time. As of May 18, the ERRC had no information as to whether a new date for the eviction had been set.

7.62 At around 5:00 PM on September 25, 2003, approximately 50 police officers forcefully destroyed illegal constructions at Camp Via Masini in the central Italian city of Florence and beat the Ashkaeli residents after they began to throw stones at the officers in protest, according to the Italian non-governmental organization *Associazione Per La Difesa Dei Diritti Delle Minoranze (Association)*. The *Association* reported that, as a result of the police actions, one Romani teenager was hospitalised and several other children were beaten. The police reportedly entered the camp following several requests that had been sent to the camp residents to destroy the illegally constructed buildings. The camp was reportedly home to 180 Kosovo Roma, including between 80 and 100 children. The group had been re-housed at the camp after it was destroyed by fire on June 8, 2003, in which they lost all of their personal belongings and documents. The Roma accepted to move back to the camp with the understanding that the local government had development plans for the area, but that they would be built a new camp along with Roma from the nearby camp Poderaccio in autumn 2003. However, as



construction on the new camp had not started, the Roma built additional rooms onto their trailers without permission, because the trailers did not provide enough space due to the size of the families. The local prosecutor was reportedly investigating the case and the Association had informed the prosecutor of the version of events provided by the camp residents. As of December 1, 2003, local authorities had still not begun building the new camp.

7.63 Fifteen municipal police, accompanied by Mr Mario Vallarosi, head of Rome's Immigration Office, entered the Villa Troili Romani camp on the northern periphery of Rome to perform "routine checks" at approximately 3:00 AM on November 8, 2002, according to an ERRC investigation. Villa Troili is a state-run camp, authorised to house 150 Roma in container units. Two hundred Roma lived in the camp. On November 10, 2002, Ms A.M., a 25-year-old Romani woman living in the camp with her husband and 3-year-old daughter, testified to the ERRC that an officer opened the door to their container home, shined a bright light and yelled at them to go outside with their documents. Ms A.M. told the ERRC that she asked the officer if her daughter could stay inside because it was very cold and raining, but the officer said she could not. The Romani inhabitants of the camp were reportedly forced to stand outside until around 7:00 AM, at which point the officers reportedly stated that anyone not on the list of people registered to live in the camp would be expelled from Italy.

7.64 On November 4, 2002, the Italian national daily newspaper *Il Nuovo* reported that more than 200 municipal police and *carabinieri* entered Camp Via Salone on the outskirts of Rome and conducted a "check" on the camp inhabitants from 7:00 AM until 8:00 PM. The raid reportedly followed a meeting of the Provincial Committee of the Lazio Region, in which the Committee agreed to carry out regular checks of the Romani inhabitants of the Via Salone camp and remove Roma living illegally in the state-authorised camp, according to the Italian national daily newspaper *Corriere della Sera* of October 21, 2002. On October 22, 2002, the Italian national daily newspaper *La Repubblica* reported that the Committee also decided to dismantle illegal housing structures in the Via Salone camp, in an apparent attempt to reduce the number of inhabitants in the camp to 300 from 1000.

7.65 Forty police officers rounded-up Roma, principally from 3 Romani camps in and around Rome -- Villa Troili on the northern periphery, Via Salone on the southern periphery and Vicolo Savini on the southeastern periphery -- led by Police Commander Antonio di Maggio, at around noon on September 26, 2002. Mr L.C., a 30-year-old Romani man who lives at Camp Via Salone, testified to the ERRC that he was sprayed with pepper while a plainclothes police pulled his 18-month-old son out of his arms. Other Roma in the camp with whom the ERRC spoke reported incidents of police misconduct during the round-up. In an interview with the ERRC on September 26, 2002, following the raid, Mr di Maggio stated that the operation was planned following a court order which gave the police investigative power and the right to detain Romani beggars suspected of exploiting children for financial purposes. Mr di Maggio told the ERRC that thirty Romani minors had been sent to a local clinic to be examined for signs of "malnutrition and abuse" and that 70 Romani adults had been taken to the Rome's immigration headquarters at the police station on Via Genoa for identification.

7.66 On August 27, 2002, Mr Alija Memed, a 36-year-old Romani man, testified to the ERRC that at around 6:00 AM that same morning, 30 state police, military police and municipal police raided camp Tor de' Cenci and camp Lombroso on the southern periphery of Rome. Following the raid, Mr Memed reported that 12 Roma from camp Tor de' Cenci and 10 Roma from camp Lombroso, all without visas, were taken to the nearby Tor de' Cenci Police Station, some of whom were held in custody until approximately 8:00 PM for what police called "routine checks", according to Mr Memed. None of the detained Roma were served expulsion notices. According to Mr Memed, "the detained Roma were all activists, mostly from the organisation "Šutka". Other Roma from the same two camps were without visas, however, they were not taken to the police station."

7.67 According the Rome-based non-governmental organisation *Rome Migrant's Social Forum*, more than 30 *carabinieri* entered Camp Gordiani on the southern periphery of Rome on at around 8:00 AM on January 25, 2002, and began searching the premises. According to Mr Pignoni, the police did not provide search warrants upon entering the camp and claimed to be checking documents. Allegedly, the police stated that camp residents found with documents "not in order" would be immediately taken to the immigration office at Via Genoa and given orders to leave Italy. However, the immediate

mobilisation of the *Rome Migrant's Social Forum* and *Coordinamento contro le guerre*, a university-based group that supports the community of Via dei Gordiani, prevented the military police from taking anybody out of the camp.

7.68 The *Rome Migrant's Social Forum* reported that on the morning of January 22, 2002, approximately 40 state police officers, a police van and dogs entered Camp Gordiani as helicopters hovered overhead, in what was reportedly a police operation against drugs. The *Rome Migrant's Social Forum* and *Coordinamento contro le guerre* reported that a Romani man with outstanding criminal charges was taken to police headquarters. However, Mr Robert Pignoni of the *Rome Migrant's Social Forum* was of the opinion that the operation was merely an excuse to search the Romani settlement: Approximately 8 Romani men without resident permits were taken to police headquarters for identity checks and expulsion; police also checked a number of cars and confiscated several on the grounds that they lacked proof of insurance. Later in the afternoon, 7 of the 8 men detained were released, while one Romani man was held in custody for two days then released with orders to leave Italy. Some of the seven men released on the same afternoon reported having also been served expulsion notices shortly after their detention.

7.69 According to witness reports and the Rome-based Italian non-governmental organisation *Amicizia Rom Gagc*, on October 1, 2001, municipal police and local immigration authorities entered the camps Casilino 700 and 900 on the southern periphery of Rome, with four 50-passenger police buses. Witnesses reported to the ERRC that authorities ordered local Roma to board the buses. Approximately 120 Romani camp inhabitants were taken to the immigration office of the Via Genova Police Department where their identity cards were checked and they were released on the same day. All detainees reportedly returned to the Casilino 700 and 900 camps shortly after the raid.

7.70 On September 11, 2001, at around 6 AM, 5 police squad cars entered the Romani camp at Arco di Travertino, on the northern periphery of Rome, and officers forced the approximately 40 Romani inhabitants of the camp to leave their homes and stand in an adjacent parking lot in 10 degrees Celsius weather. According to Mr Salvo de Maggio of the Rome-based Italian non-governmental organisation *Capodarco*, police proceeded to search the premises with dogs and metal detectors and were accompanied by the communal sanitary service and bulldozers. The search was carried out without either a search warrant or an arrest warrant being presented to any of the camp inhabitants.

7.71 According to eyewitness testimony, that on August 22, 2001, 5 police squad cars, accompanied by fire department officials, searched the Romani camp Acqua Acetosa, on the northwestern periphery of Rome, with dogs and metal detectors at sunrise.

7.72 According to ERRC field research, on June 22, 2001, municipal and state police raided Camp Casilino 900 on the southern periphery of Rome. According to one camp inhabitant, Mr D.G., the police checked a number of cars and confiscated several on grounds that they lacked proof of insurance.

7.73 The Rome-based civic association *Arci* reported that at around 7:00 AM on May 31, 2001, a police unit of five officers entered Camp Vicolo Savini on the outskirts of Rome, home to approximately 500 Roma, and took 20 Romani men into custody. The men were taken away in a police van, reportedly for identity checks. *Arci* stated that none of the twenty men have residence permits. The men were returned to the camp approximately 24 hours after first being detained, without being charged with any crime.

7.74 On April 1, 2000, Mr D.B., a 30-year-old resident of Camp Via Salviati on the periphery of Rome testified to the ERRC, "This morning, a little before 6 AM, around 30 police officers arrived in our camp, dressed in riot gear, with helmets, masks and truncheons. As always, they arrived screaming and shouting. They said that they had to check the documents of all heads of families. They forced us out onto the square and then took us to the station. They kept us there for twelve hours without explaining anything. They gave us nothing to eat." Twenty-five-year-old Mr T.K. told the ERRC that the group had not been taken directly to the police station, but were locked by police in a garage for 2 hours in the dark. The group was reportedly told to lie face down and not move while police called

them one at a time to show their documents. After everyone had been checked, they were taken to the police station.

7.75 Fifty-three-year-old Mr S.F. told the *ERRC* that on January 10, 1999, he witnessed 8 *carabinieri* arrive in two cars at Camp Favorita in Palermo and search the caravans and makeshift shelters, without producing any document or explaining anything. When Mr L.D., an informal Romani leader, asked the police officers what they were doing, they pushed him several times and then one officer reportedly put a handgun to his head. A crowd from the camp gathered around and reportedly pushed the *carabinieri* back and broke the windows of their cars, after which the *carabinieri* left. One of the *carabinieri* reportedly fired two shots in the air as they were leaving. Minutes later, two *carabinieri* cars blocked the camp's entrance. Approximately one hour later, four *carabinieri* stopped 16-year-old S.E., nephew of L.D., as he was returning from a football game, and beat him in public with truncheons. They then transported S.E. to the *carabinieri* station. After being informed of the beating, Mr L.D. called the commanding officer of the local *carabinieri*, and the latter brought the boy back, escorted by *carabinieri* officers. The ranking officer then reportedly requested that Mr L.D. not "make a fuss" by bringing the matter to court.

7.76 In light of the above, the *ERRC* contends that, in its construction and maintenance, by policy and practice, of substandard and racially segregated camps for Roma, as well as in light of policies and practices of forced eviction of Roma, threats of forced eviction of Roma, systemic destruction of property belonging to Roma and the systemic invasion of Romani dwellings without due regard to Italy's international law obligations, Italy is in violation of Article 31(1) of the Revised European Social Charter, taken together with the Revised Charter's Article E ban on discrimination.

#### **7.B. Failure to Prevent and Reduce Homelessness among Roma, in violation of RESC Article 31(2), taken alone and/or in conjunction with the Revised Charter's Article E ban on Discrimination**

7.77 The issues and cases detailed above indicate that, where Roma are concerned, Italian authorities do not effectively undertake measures "to prevent and reduce homelessness with a view to its gradual elimination" as required by Article 31(2) of the Revised Charter. The Committee has stated that it considers as homeless "those individuals *not legally having at their disposal a dwelling* or another form of adequate shelter. The *temporary supply of shelter, even adequate, cannot be held as satisfactory* and the individuals living in such conditions and who wish so, should be provided with adequate housing within a reasonable period" (emphasis added).<sup>75</sup> Further issues related particularly to the failure of Italian authorities to address homelessness among Roma follow below.

7.78 In 2000, Casilino 700 in Rome was a massive substandard Romani ghetto, with over 1500 inhabitants. The inhabitants lived without access to water or electricity, and rat infestation was a regular problem. Through the joint initiative of the municipality of Rome, a process was begun in early August 2000 to completely dismantle and raze the giant camp. According to *ERRC* field documentation, as bulldozers demolished barracks and homes, police officers dressed in riot gear corralled groups of Roma according to documents and place of origin and sent the homeless Roma to various camps (both authorised and unauthorised) throughout the city.<sup>76</sup> Instead of attempting to improve the living conditions of the inhabitants of Casilino 700, state officials sent some to authorised camps with assigned containers, while others were simply put in a bus and sent to other camps with worse conditions.<sup>77</sup> The majority of the Roma relocated were not allowed any time to prepare for the

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<sup>75</sup> European Social Charter (Revised), Conclusions 2003, Volume 1, European Committee of Social Rights, p. 366.

<sup>76</sup> *ERRC* interview with Ms Kathryn Carlisle. Rome. August 1, 2003.

<sup>77</sup> *ERRC* interview with Ms Kathryn Carlisle. Rome. August 1, 2003. A large number of Romanian Roma were assigned containers in the Candoni camp, while many Roma were sent to the Salone camp, where the inhabitants lacked electricity and any form of water drainage system, and scabies was prevalent among the children.

move, and there were no structures to officially receive them at the new camps.<sup>78</sup> When Mr R.G. and his family were moved out of their house in Casilino 700, they were directed by police officers to an open space of dirt in the neighbouring camp of Casilino 900 and were told that they could build a new shack there.<sup>79</sup> Those placed in new camps were often promised that the move was temporary, that the containers were only for the time being until new arrangements could be made. The ERRC did not meet a single individual relocated from Casilino 700 who had managed to secure adequate, integrated housing outside a substandard, racially segregated camp after the demolition of Casilino 700. Thus, while local officials prided themselves on erasing a “great shame” to create a public park, the situation for the majority of the Roma who had earlier lived in Casilino 700 deteriorated.<sup>80</sup> Regardless of whether the Roma were placed in authorised containers or sent to unauthorised shantytowns, the official relocation by the state authorities proceeded without any effort to improve the living conditions of the Roma in Casilino 700. Two Macedonian Romani men were expelled between the September 22, 2000 raid and ERRC research conducted on September 26. The men had not received prior expulsion notices, according to ERRC research.

7.79 Authorities effectively block efforts by Romani individuals themselves to improve their housing. One public servant with whom the ERRC spoke stated that camp residents can not obtain building permission.<sup>81</sup> The ERRC was told on several occasions by Roma that they had been trying to acquire guarantees from local authorities that if they did build a house in the camp, it would not be demolished by officials. In an effort to improve the conditions of his barrack in Casilino 900, Mr R.G., a Macedonian Romani man and carpenter, constructed a solid two-level home with a functioning kitchen and a roof that did not allow rain to come in.<sup>82</sup> Soon after the construction, he was threatened by police officers repeatedly that if he did not dismantle the structure, the police would destroy it.<sup>83</sup>

7.80 Some Roma with whom the ERRC spoke had requested designation of an appropriate housing site outside camps, so that they could build there. The ERRC is not aware of any cases in which such permission was granted.

7.81 The experience of Mr F.S. from Camp Casilino 900 in Rome is representative of the Roma in camps. Mr F.S. is a 52-year old Romani man originally from the former Yugoslavia. He came to Italy in 1969 and, as of January 1999, had been in Italy ever since. He and his family built a shack in the camp. During an ERRC visit, Mr F.S. pointed to where the shack used to stand; it is a place outside of the camp now, at the foot of a hill, about a hundred and fifty meters away from the present camp. “My father died here in the camp. We’ve been here for thirty years and still not able to get a house. In 1985 the authorities destroyed the old camp at the foot of the hill.” Mr F.S. said that at the time there were non-Roma from Calabria and Sicily also living there in makeshift houses. “Now they live there,” he told the ERRC, pointing to several apartment buildings about half a kilometre away: “the state gave them housing, as it is their state. And as we don’t have a state, we can’t get a house.” Mr F.S. said that he had time and again approached the municipality, requesting permission to build a house, but officials from the municipality responded invariably that they would not grant him permission, and that if he built one anyway, such a structure would be illegal. They would, they said, have to destroy it.<sup>84</sup>

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<sup>78</sup> ERRC interview with Ms Kathryn Carlisle. Rome. August 1, 2003.

<sup>79</sup> ERRC interview with Mr R.G. Rome. August 2, 2003.

<sup>80</sup> “Mosino: ‘Io e Roma abbiamo vinto ma su furti e scippi resta l’allarme’”, *Il Messaggero*, 23 November 2000. p. 38.

<sup>81</sup> ERRC interview with Mr Alfred Ingino, Turin’s Coordinator of Nomad Camps. April 27, 2004. Turin.

<sup>82</sup> ERRC interview with Mr R.G. Rome. August 2, 2003.

<sup>83</sup> ERRC interview with Mr R.G. Rome. August 2, 2003.

<sup>84</sup> ERRC interview with Mr F.S. January 21, 1999. Rome.

7.82 Some efforts by municipal authorities to provide housing to Roma are so loaded with paternalistic overtones and include such comprehensive surveillance measures that it is difficult to see how their designers can possibly imagine that they might lead to positive outcomes. For example, in an effort to circumvent the challenges Roma face with the social housing point system, the City of Rome, in its 2002 “Plan of Intervention: Prepared for the Integration of the Roma/Sinti Communities”, developed a 3-stage program to distribute housing to Roma. According to media reports describing the plan:

Six temporary zones will be constructed with camping facilities and electricity. They will be guarded 24 hours a day. The next phase will be prefabricated villages, where 3000 Roma will be ‘guests’ for 36 months. At that point, Roma who demonstrate the will to walk down the road to integration will be placed on a waiting list for public housing ‘under the same conditions as any other citizen,’ says [Raffaella] Milano [the Rome council member for social affairs], ‘without favouritism or obstacles.’<sup>85</sup>

7.83 Forcing legally residing Roma to “prove” that they are capable of living in public housing by living in police-guarded camps and prefabricated containers for several years is inconsistent with the requirements of the Revised European Social Charter, as well as with a number of other international human rights laws to which Italy is a party.

#### **7.C. Failure to make the price of housing accessible to Roma without adequate resources, in violation of Article 31(3), taken alone and/or in conjunction with Article E**

7.84 Paragraph 3 of Article 31 of the Revised Charter establishes the obligations of States to “make the price of housing accessible to those without adequate resources.” In practice, Roma are disproportionately unable to have access to social housing, for a number of reasons including failing to qualify under “point systems”. The Italian government has undertaken no measures to compensate for the disproportionate exclusion of one ethnic group from social housing, nor has it even undertaken measures adequately to document the extent of exclusion of Roma from social housing. In addition, ERRC, Roma with whom the ERRC has met during a number of field documentation missions in Italy raised serious concerns related to the ability of Roma to afford any form of housing, regardless of its cost, outside the substandard camps, as well as the failure of Italian authorities to date to respond to this emergency with any measures other than forced eviction and/or the further establishment of substandard, racially segregatory housing arrangements for Roma in Italy.

7.85 One recurring concern expressed by Roma with whom the ERRC has met was related to the very restrictive measures introduced to Italy’s immigration law in 2002 with the adoption of the so-called “Bossi-Fini” decree.<sup>86</sup> Under the Bossi-Fini decree, in accordance with Article 40 of Italy’s Immigration Law, only holders of a permanent residence permit or permit of stay valid for no less than two years are entitled to social assistance, benefits and access to public housing. The ERRC has not met any Roma who had been successful in securing a permanent residence permit. The longest period of validity on any residence permit held by a Romani individual seen by the ERRC was two years. However, the overwhelming majority were valid for only one to six months. The arbitrary exclusion of certain residence statuses from eligibility for social housing appears to conflict with the UN standards noted above at paragraph 5.09, particularly where this exclusion has disproportionate impact on one ethnic group.

7.86 In addition, local criteria for the provision of local housing in many cases preclude Roma, and Roma are apparently particularly at risk of exclusion from access to social housing. In Rome for example, in order to be eligible for social housing programmes, an applicant must, *inter alia*, be an

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<sup>85</sup> “Zingari, nuovi campi, poi case” (“Gypsies, new camps then houses”), *La Repubblica*, 6 June, 2002.

<sup>86</sup> See “Testo unico sull’immigrazione integrato dalle modifiche apportate dalla “Bossi Fini””, available on the Internet at: [http://www.cestim.org/15politiche\\_bossi-fini\\_dibattito.htm](http://www.cestim.org/15politiche_bossi-fini_dibattito.htm)

Italian national or be legally residing in Italy; be resident in the area where the dwellings are located; not be an owner of a similar dwelling in the same area; and have a yearly income below a certain ceiling (generally around 12,000 Euro). While there is no clear statistical data available to the public on the equality of treatment for access of Roma (non-national and Italian) to social housing, the ERRC did not find a single case in which a non-national Romani person -- legally residing or otherwise -- received social housing.<sup>87</sup> In cities visited by the ERRC in northern Italy in April 2004, the ERRC met with a number of Roma whose applications for public housing had been rejected without explanation.

7.87 In many places in Italy, one justification for failing to provide social housing to Roma is a “point system” according to which public housing is purportedly allocated. Various factors are taken into account when assessing applications – whether an applicant is unemployed, the salary earned, how many children the applicant has, and the applicant’s age all earn points in the list; whether the applicant has been evicted from a prior home is considered one of the most important factors, and gains a considerable number of points. According to Rome city officials, an applicant typically needs at least 10 points to be seriously considered for public housing.<sup>88</sup> Romani applicants reportedly rarely exceed 8 points. City officials explained to the ERRC that this is because Roma living in camps cannot be considered evicted from their living situations.<sup>89</sup> On average, non-Romani individuals applying for social housing wait for about one year before they receive placement.<sup>90</sup> The ERRC interviewed several legally residing Roma who had applied for housing and had been waiting for more than one year. One Romani woman in Casilino 900 had been on the list for over 30 years.<sup>91</sup> This fact is known by a number of Roma living in camps in Italy’s capital, causing many to simply refrain from attempting to apply for social housing. The ERRC is unaware of any efforts by Italian public officials to encourage or assist Roma living in substandard, racially segregated camps in applying for social housing.

7.88 The majority of immigrant Roma whom the ERRC interviewed in Italy had access to only seasonal employment or other forms of employment of a more short-term nature. The legal barrier to social assistance directly impacts the ability of a very high number of Roma in Italy to afford housing and related costs during periods in which they are between jobs, as they do not have access to any form of income.

7.89 In addition, in Turin’s highly substandard Camp Arrivore, Ms Lepa Osmanović, a Bosnian Romani woman officially recognised as a refugee in Italy, stated that she and many other Romani refugees in the camp had never received financial assistance from the government.<sup>92</sup> Ms Osmanović and others from the camp had reportedly tried to apply for social assistance many times but municipal authorities in Turin refused to accept their applications. The failure of Italian authorities to provide Romani refugees with access to regular social welfare programmes effectively leaves them to fend for themselves in an environment extremely hostile to both “nomads” and immigrants generally. All of the Romani residents of Camp Arrivore with whom the ERRC spoke had been unsuccessful in securing regular gainful employment, and therefore any steps to improve their housing situation were financially impossible.

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<sup>87</sup> *ERRC Field Mission to Rome*. July 28, 2003 to August 3, 2003.

<sup>88</sup> *ERRC interview with Mr Carlo Chiaramonte, Assessorato alle Politiche Sociali, Comune di Roma*. July 31, 2003. Rome.

<sup>89</sup> *ERRC interview with Mr Carlo Chiaramonte, Assessorato alle Politiche Sociali, Comune di Roma*. July 31, 2003. Rome.

<sup>90</sup> *ERRC interview with Mr Carlo Chiaramonte, Assessorato alle Politiche Sociali, Comune di Roma*. July 31, 2003. Rome.

<sup>91</sup> *ERRC interview with Mrs A.Z.* August 2, 2003. Rome.

<sup>92</sup> *ERRC interview with Ms Lepa Osmanović, an approximately 30-year-old Romani woman*. April 27, 2004. Turin.

### III. INTERNATIONAL CONCERN OVER THE HOUSING SITUATION OF ROMA IN ITALY

8.01 The ERRC has undertaken repeated efforts to bring the issues described above to the attention of Italian authorities. To date, the ERRC has addressed not less than four letters of concern to Italian public officials, in matters related to Roma and adequate housing. To date, we have never received a response to such a letter. In addition, in November 2000, the ERRC published a comprehensive report on situation of Roma in Italy, entitled *Campland: Racial Segregation of Roma in Italy*. The report documented practices similar to those listed above. To date, Italian authorities do not seem to have altered to any substantive or meaningful effect these policies.

8.02 The Italian government has repeatedly come under criticism from international monitoring bodies in recent years over the housing situation and racial segregation of Roma in Italy. In addition to recommendations provided in the passages above, a number of these recommendations follow below.

8.03 In March 1999, the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed concern about the Italian government's policies and practices with regard to Roma. In its Concluding Observations concerning Italy, the CERD condemned racial segregation of Roma in housing. In particular, the Committee expressed concern "at the situation of many Roma who, ineligible for public housing, live in camps outside major Italian cities," and stated that "in addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to a physical segregation of the Roma community from Italian society, but a political, economic and cultural isolation as well." The Committee recommended that the Italian government undertake a number of measures, including "strengthen its efforts for preventing and prosecuting incidents of racial intolerance and discrimination against some foreigners and Roma people [...];" and "give more attention to the situation of Roma in Italy, with the view to avoid any discrimination against them".<sup>93</sup>

8.04 In May 2000, the UN Committee on Economic, Social and Cultural Rights (CESCR) issued concluding observations on Italy's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR) which stated, *inter alia*:

10. The Committee notes with concern that a large number of the Roma population live in camps lacking basic sanitary facilities on the outskirts of major Italian cities. The Roma on the whole live below the poverty line and are discriminated against, especially in the workplace, if and when they find work, and in the housing sector. Life in the camps has had a major negative impact on the Roma children, many of whom abandon primary and secondary schooling in order to look after their younger siblings or to go out begging in the streets in order to help increase their family income. [...]

23. The Committee recommends that the State party step up its efforts to improve the situation of the Roma population, *inter alia* by replacing camps with low-cost houses; by legalizing the status of Roma immigrants; by setting up employment and educational programmes for parents; by giving support to Roma families with children at school; by providing better education for Roma children; and by strengthening and implementing anti-discrimination legislation, especially in the employment and housing sectors.<sup>94</sup>

8.05 In its Second Report on Italy, ECRI similarly urged Italian authorities to take measures to improve the situation of the Romani communities in Italy, and in particular to combat the housing segregation of Roma in Italy: "Italian authorities should implement measures to overcome the practical

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<sup>93</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination : Italy. 07/04/99. CERD/C/304/Add.68.

<sup>94</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights : Italy. 23/05/2000. E/C.12/1/Add.43. (Concluding Observations/Comments).

segregation of Roma/Gypsy communities in the field of housing in Italy, including through abandoning the systematic relegation of members of the Roma/Gypsy communities to camps for nomads [...] ECRI urges the Italian authorities to ensure that the camps where members of Roma/Gypsy communities live meet, at the very least, the basic standards on adequate housing."<sup>95</sup>

8.06 The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, in its Opinion of 14 September 2001, noted, with respect to Italy: "For years the Roma have been isolated from the rest of the population by being assembled in camps where living conditions and standards of hygiene are very harsh. Numerous concurring reports suggest that problems of overcrowding persist: in several camps some huts have neither running water nor electricity and proper drainage is often lacking. While some Italian Roma do undeniably continue to lead an itinerant or semi-itinerant life, the fact remains that many of them aspire to live under housing conditions fully comparable to those enjoyed by the rest of the population."<sup>96</sup>

8.07 The ERRC notes that in its Fourth Periodic Report to the CESCR, submitted in May 2003, the Italian government appears to have ignored both the concerns and the recommendations cited above related to the housing situation of Roma in Italy. Despite devoting a number of paragraphs to "Problems concerning the Rom population", the Report confines its comments to the situation of Roma in Rome, Milan, Turin and Piedmont. The Report has nothing to say about the housing situation of Roma in the latter two locales. Concerning the situation of Roma in Rome, the Report provides the following vague passage:

An initial, brief census of the Romany and Sinte population resident in Rome dates from 1993, at which time they numbered about 6,000. In November 1995 the first general census was carried out: 5,467 persons from these communities were recorded (over 50 per cent of them minors); there were 50 makeshift camps and one equipped camp (opened in 1994). Thanks to measures taken to reorganize these areas, there are currently 26 settlements, 5 of which are new villages, equipped with housing units and supplied with basic facilities and common service structures. Another six settlements are equipped with caravans, running water and chemical toilets. Since 1993, a total of 25 unauthorized settlements have been dismantled. [...]<sup>97</sup>

8.08 As to the situation of Roma in Milan, the sole passages related to housing issues state:

Italian Romanies have been living in cities since the beginning of the 1960s in areas or "villages" that have been partly equipped by the municipal administrations, on rented or owned land, in caravans, mobile homes or prefabs, in the difficult quest for a more stable and secure relationship with the urban environment and its social and cultural context.<sup>98</sup>

8.09 Finally, the ERRC notes that in its first report under the Revised Social Charter, Cycle 2002, the Italian government provided no information whatsoever as to actions taken to protect Roma, or indeed any minorities. The Italian government did not report on its obligations under Article 31 during its reporting in Cycle 2002. Despite a 30 June 2003 to report on its obligations under the Revised Social Charter for Cycle 2004, as of 10 June 2004, the Italian government had not yet submitted any report.

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<sup>95</sup> ECRI. Second Report on Italy. Para. 61.

<sup>96</sup> "Opinion on Italy on the Advisory Committee of the Framework Convention for the Protection of National Minorities", Adopted on September 14, 2001. Available on the Internet at: [http://www.coe.int/T/e/human\\_rights/Minorities/2.\\_FRAMEWORK\\_CONVENTION\\_\(MONITORING\)/2.\\_Monitoring\\_mechanism/4.\\_Opinions\\_of\\_the\\_Advisory\\_Committee/1.\\_Country\\_specific\\_opinions/1.\\_First\\_cycle/1st\\_OP\\_Italy.asp#TopOfPage](http://www.coe.int/T/e/human_rights/Minorities/2._FRAMEWORK_CONVENTION_(MONITORING)/2._Monitoring_mechanism/4._Opinions_of_the_Advisory_Committee/1._Country_specific_opinions/1._First_cycle/1st_OP_Italy.asp#TopOfPage)

<sup>97</sup> "Fourth periodic reports submitted by States parties under articles 16 and 17 of the Covenant", E/C.12/4/Add.13, 21 May 2003.

<sup>98</sup> Ibid.



#### IV. CONCLUSIONS/RECOMMENDATIONS

9.01 Taken together with the continued extremely problematic treatment of Roma in the field of housing in Italy, it is evident that Italian authorities have failed to date to respond adequately to a situation of which they have been aware for at least five years. As a result, the ERRC urges the Committee to find Italy in breach of the Revised European Social Charter, and to recommend that Italian authorities urgently undertake the following:

- Without delay, adopt and implement comprehensive policies aiming at eradicating residential and other racial segregation of Roma in Italy.
- Conduct a comprehensive review of existing laws and policies, to ensure that all elements of the international *acquis* on the right to adequate housing -- including all guarantees related to forced evictions -- are fully secured under Italian domestic law. Where necessary, amend law and/or policy.
- Bring to justice all persons responsible for the violation of fundamental social and economic rights, as described in this submission.
- In cases in which social and economic rights -- including the right to adequate housing -- have been violated, make available to victims just remedy, including the provision of adequate compensation.
- Provide adequate financial assistance to those persons for whom adequate housing is unaffordable, and where the state is unable to provide adequate accommodation in accordance with international law.
- Conduct systematic monitoring of access of Roma and other minorities to social and economic rights – the right to adequate housing in particular – and establish a mechanism for collecting and publishing disaggregated data in these fields, in a form readily comprehensible to the wider public.

Respectfully submitted,

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