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Human Rights Treaties Division
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INTERNATIONAL**



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Dear Ms Andrijasevic-Boko,

INFORMATION IN ADVANCE OF THE CONSIDERATION OF ITALY'S FIFTH PERIODIC REPORT

Please find enclosed Amnesty International's October 2013 report "Double Standards: Italy's Housing Policies Discriminate against Roma" (Index: EUR 30/0082013, October 2013) for the attention of the Committee on Economic, Social and Cultural Rights' in advance of its consideration of Italy's fifth periodic report in September 2015.

The report summarizes Amnesty International's longstanding concerns regarding Italy's failure to uphold Roma's right to adequate housing as well as the principle of non-discrimination. Although the report was published two years ago, the key concerns raised therein remain current. In this letter, we provide you with a summary of Amnesty International's concerns in this matter and with updated information emerged since the report's publication, based on our recent research.

Violations of the right to adequate housing of Roma in Italy

Amnesty International has documented and exposed violations of the right to adequate housing of Roma in Italy since 2008. Such violations remain widespread.

Our concerns have ranged from the use of forced evictions to force Romani families to leave their informal settlements and to transfer them from one authorized camp to another; to the pursuit by administrations over more than a decade of a policy of racial segregation in camps; from the substandard – and at times appalling – conditions in authorized camps; to the direct and indirect discrimination of Roma in access to social housing because the very condition of being housed in camps has resulted in them being unable to meet key criteria to access social housing.

In many Italian municipalities there is a separate system in place to house Roma, based on their ethnicity. This separate system has been allowed to develop unchallenged by authorities that, at local and national level, are under an obligation to uphold the principle of non-discrimination, enshrined in the International Covenant on Economic, Social and Cultural Rights and in other international instruments binding on Italy.

The extent of such violations against Roma became especially evident during the state of emergency declared by the government in May 2008 in relation to alleged public order concerns linked to the presence of Romani settlements in parts of Italian territory. However, violations of the rights of Roma to adequate housing and non-discriminatory treatment continued unabated even after the courts ruled the state of emergency unlawful in 2011, and remain ongoing.

The case of Rome

The report we are submitting for your consideration focusses on the housing conditions of Romani families in Rome between the end of the state of emergency and October 2013. The housing situation of Roma in

Rome was and remains of grave concern due to the significant number of people segregated in authorized camps - over 4,300 – and to their near total exclusion from social housing (according to data provided by the housing body of Rome, Ater, in 2013 no more than 10 (ten) Romani families were living in one of their 50,000 properties, or 0,02 percent). Based on visits to most of the authorized camps of Rome and on interviews with the residents, with staff working in the authorized camps, with officials of the Municipality of Rome and of the Regione Lazio, and with representatives of tenants' unions and of the National Office against Racial Discrimination (Ufficio Nazionale Antidiscriminazioni Razziali), the report documents the sub-standard and segregated housing conditions of Romani families and the use of forced evictions against Roma. The report further analyses how Romani families in Rome have been directly and indirectly discriminated against in access to social housing since 2000.

Exclusion from social housing of Roma in Rome

The exclusion of these families from the social housing system came about as a consequence of the discretionary choice of the municipality to prioritize families in certain disadvantaged situations; in 2000 the Municipality of Rome set criteria that could only extremely rarely apply to Romani families. The choice to prioritize families lawfully evicted through an administrative or civil law procedure resulted in the indirect discrimination of Romani families. Though many had been evicted several times and were living in appalling conditions in camps, they had virtually never been evicted through lawful procedures ending with an administrative or court decision they could exhibit as evidence of their having lost a home. For the Roman authorities, the housing need of the city's Roma were in any case already being taken care of – in camps. Successive administrations have continued to cling to the belief that camps are the most appropriate housing solution for Roma, who have been presumed to be nomads for decades regardless of the reality of their lives (for the use of the term “nomad” by Italian authorities and its consequences on the treatment of Roma, please see an older Amnesty International report, “Italy: ‘Zero tolerance for Roma’ Forced evictions and discrimination against Roma in Milan” (Index: EUR 30/022/2011) at page 11. According to an estimate in the 9 February 2011 report of the Italian Senate's Extraordinary Commission for the protection and promotion of Human Rights, “Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Camminanti in Italia”, only about 3 percent of Roma living in Italy has a nomadic lifestyle).

When the Municipality of Rome issued a new public offer of social housing on 31 December 2012, priority criteria were changed to prioritize families in gravely disadvantaged housing conditions, and not only those evicted from private accommodation. The new criteria appeared to apply squarely to Romani families living in the authorized camps of Rome.

Following loud protests by local politicians and representatives of municipal institutions, on 18 January 2013 Rome's housing policies department, office for housing support interventions issued an internal circular with clarifications regarding the public offer. *Inter alia*, the circular stated that “nomad camps” could not be considered as matching the situation described in Category A1 of the public offer. As a result, applicants residing in “nomad camps”, who are of Romani ethnicity only, could not be assigned the highest score, and would therefore have much reduced chances to obtain social housing.

To date, the circular dated 18 January 2013 has not been withdrawn or modified, although in May 2014 the then Councillor for Housing, Daniele Ozzimo, stated at a hearing before the Senate's Extraordinary Commission for the Protection and Promotion of Human Rights that the circular would not be applied (records of the hearing are available at www.senato.it). The intention of the housing department not to apply the circular in a discriminatory manner was reiterated in internal correspondence between the housing department and the office of the Mayor in June 2014, as well as in a meeting with Amnesty International in May 2015. However, no action appears to have been taken to inform residents of Romani settlements, relevant stakeholders (including social workers and organizations supporting individuals who wish to apply for social housing) and the public at large that the circular was not going to be applied. On the contrary, ample visibility was given by municipal authorities to the circular when it was adopted.

To our knowledge, the score related to Category A1 in the public offer of 31 December 2012 has been attributed to some Romani families who requested it, and were able to document that the family had been residing in the camp for at least one year thanks to a letter provided by the organization managing that camp. However, in some cases applicants residing in another camp were not attributed the score because they were not able to prove the length of their residence in the camp, due to the fact that the organization

managing that camp did not issue a similar letter. Furthermore, we are also aware of the case of a family, resident in the Candoni camp, whose request for the attribution of the score related to Category A1 was initially denied.

Amnesty International regrets that the assurances given by the then Councillor Ozzimo – that the circular would not be implemented in practice – have not been followed by any concrete action to officially remove the circular, nor to remedy the discriminatory effects the circular already displayed on Romani applicants or would-be applicants, by discouraging them from requesting the attribution of the score and from applying altogether on the assumption that they would never have achieved a high enough score. It is common knowledge in Rome that the scarcity of social housing means that only applicants able to achieve a very high score have a chance to be allocated a housing unit, because resources available to enable families to access social housing are extremely limited. Estimates provided by the Municipality of Rome indicate that about 12 thousand families are considered to be in need of social housing. Only between 400 and a thousand of them will be offered accommodation within the current year.

In this context, Amnesty International notes with concern that a parallel process to allocate funding to families in need of housing support has been established by the Municipality of Rome and the Lazio Region through the Deliberation 303 of the Lazio regional government.¹ The funding made available through this system is intended to benefit three categories of applicants: those still awaiting assignation of social housing on the basis of the public notice of the year 2000; those who on 31 December 2013 were residing in a CAAT; and those who at the same date were residing in public or private properties “not intended for residential living”. The first category does not include Roma living in camps, as seen above, as only people subject to an eviction order from privately rented accommodation could be granted the score necessary to be assigned social housing under the 2000 public notice. The second category does not include Romani families residing in camps (or those who were moved to specific shelters following an eviction), as these structures are not considered as CAAT by municipal authorities. The third category – which is worded in unclear terms and seems intended to refer to families who occupy buildings unlawfully – could perhaps also include Romani families living in informal settlements, but not those living in authorized camps. The application of these criteria is therefore of concern, as it results in the exclusion of Romani families living in authorized camps from benefitting from the extra funding available through the Deliberation 303.

Amnesty International is concerned that by devising a parallel system to assist certain categories in need of housing support, the Municipality of Rome and the Lazio Region may be effectively circumventing the social housing system, which is by law tasked with selecting and ranking on the basis of the greatest need the people who should receive housing support. The organization questions the lawfulness of creating a parallel system funded separately from the social housing system to provide housing to families in need of housing support using criteria which are different from the criteria carefully described in the social housing legislation of the Lazio Region, consistently with relevant framework national legislation. While no housing seems to have been assigned yet under this mechanism, Amnesty International emphasizes that, unless such mechanism is modified to remove its discriminatory effects, its implementation will once again result in the exclusion of Romani families.

Exclusion of Romani families in Rome from recent housing assistance measures

In 2014, the municipality of Rome took some measures to address the severe housing crisis in the capital. However, even such new measures were devised in a manner that has the effect of excluding most of Roma.

The *Piano d'intervento per il sostegno abitativo* adopted in May 2014 foresees measures, such as housing allowances (“Contributo all'affitto” and “Buona casa”), to assist people identified as in need of housing. However, only a very small number of Romani families are actually in the position to benefit from such

¹ Delibera n.303, Giunta regionale del Lazio, 14 Gennaio 2014, relativa al Piano straordinario per l'emergenza abitativa nel Lazio e attuazione del Programma per l'emergenza abitativa per Roma Capitale.

allowances, while the vast majority does not have the requirements, despite being in obvious need of housing assistance.

The “Contributo all’affitto” is an allowance aiming to support families to pay for a rented accommodation. This allowance is reserved to those who have received an eviction notice from a rented accommodation, or who had to leave their homes due to other specific emergencies.² These allowances are of no help to the many Romani families hoping to leave the camps and who find it extremely difficult to rent a private accommodation.

The “Buono casa” is a housing allowance to facilitate the access of families, currently residing or applying for placement in one of 31 municipal shelters (Centri di assistenza abitativa temporanea – CAAT), to a rented accommodation. As highlighted above, CAAT structures do not include the authorized camps managed by the Municipality of Rome or the shelters where many Romani families previously evicted from camps are currently residing.

As a result, Romani families living in mono-ethnic camps and shelters set up for them by the authorities are excluded from the possibility to benefit from assistance measures which could help them to access adequate housing outside such camps and shelters.

Amnesty International is well aware that the resources currently available to guarantee that those recognized as in need of housing assistance will in fact be allocated social housing or other housing support, are extremely limited. However, the organization emphasizes that under international law whatever resources are available must be shared in a fair and non-discriminatory manner.

Perpetuating residential segregation of Roma in Rome

The Municipality of Rome has taken no visible steps to remedy and remove the residential segregation of Roma in mono-ethnic authorized camps and shelters. Amnesty International believes that the Municipality of Rome must urgently take verifiable steps to transfer to other forms of housing – not segregated, of adequate quality and identified together with the beneficiaries – families willing to leave the camps and shelters.

Amnesty International notes that a new mono-ethnic camp for Roma, La Barbuta, was built and opened by Rome municipal authorities in 2012. More recently, the Municipality of Rome issued public notices for the partial restructuring or maintenance of the camps of Via di Salone, Via dei Gordiani, Via C. Lombroso, Via L. Candoni and La Barbuta. Amnesty International considers that infrastructures and housing units in the existing camps should be improved to ensure safe and adequate living conditions. However, the organization would be extremely concerned if any further investment of resources was made to prolong the system of authorized camps in the absence of verifiable steps to be taken at the same time to transfer families to non-segregated accommodation. Amnesty International underscores that available resources should be spent primarily on programmes to facilitate the exit from camps, and access to adequate and non-discriminatory housing, starting with families already willing to engage in such a process.

Amnesty International is also concerned about the situation of families previously residing in La Cesarina camp, temporarily transferred to the mono-ethnic shelter called “Best House Rom” in Via Visso to allow for the restructuring of the camp, and of all the families temporarily hosted in mono-ethnic shelters, which do not comply with adequate living standards and perpetuate their segregation. Members of the Extraordinary Commission for the Protection and Promotion of Human Rights visited the “Best House Rom” shelter in November 2014 and the “Ex-Cartiera” shelter in Via Salaria in May 2015, following reports of inadequate

² Delibera del Consiglio Comunale n. 163 del 6/7 agosto 1998.

living conditions. In both cases, the members of parliament which carried out the visits confirmed the grave inadequacy of living conditions in the shelters.³

Tribunal of Rome ruling regarding the authorized camp of La Barbuta, in Rome

In the first ruling of this kind regarding Roma camps in Italy, on 30 May 2015, the civil section of the Tribunal of Rome found that the Municipality of Rome had discriminated against Romani families by housing them in the La Barbuta camp.⁴ The camp, consisting of pre-fabricated containers surrounded by fencing, was built in a remote location near the city's airport, by-passing building regulations using powers granted under the state of emergency declared by the Italian government in 2008. Despite a court decision in 2011 annulling the state of emergency and all resulting measures and decisions, in 2012 the Municipality of Rome completed the construction of the La Barbuta camp and proceeded to assign housing units in the camp to Romani families only.

Amnesty International, which had campaigned together with local and international non-governmental organizations to stop the construction of La Barbuta and the transfer of Romani families there, intervened with a supportive amicus brief in the case brought by Associazione Studi Giuridici sull'Immigrazione and Associazione 21 Luglio against the Municipality of Rome in 2012.

The court found that any large scale housing solution directed only at persons belonging to the same ethnic group, especially if realised, as in the case of the camp of La Barbuta, in order to hinder cohabitation with the majority population, should be regarded as discriminatory.

Amnesty International is calling on the Rome Municipality and the Italian government (also a party to the case) to move swiftly to implement the decision in full and to ensure an immediate end to the discriminatory treatment against the families currently living in La Barbuta and other camps. Beyond the specific situation of this camp, the organization is also calling on the authorities to apply the same principle of non-discrimination upheld by the court to finally abandon any discriminatory practices perpetuating the segregation of Roma in mono-ethnic camps.

As a minimum, no new camps should be planned and developed and a process of genuine consultation with all Romani families currently housed in segregated camps and centres in Rome should be undertaken to identify a range of feasible, non-discriminatory and adequate alternative housing solutions in line with Italy's human rights obligations. All Romani individuals and families who need adequate housing should be provided with it, including social housing.

Forced evictions of Romani settlements

Italy continues to breach its obligations under international and regional treaties to which it is a party, by failing to ensure that all persons have equal protection against forced evictions and that the safeguards elaborated by the Committee on Economic, Social and Cultural Rights are guaranteed during all evictions. There continues to be no explicit prohibition of forced evictions under national law. Nor are there guidelines for law enforcement officials and others involved in evictions clearly indicating which measures must be taken to ensure that the human rights of individuals subjected to an eviction are respected at all times.

In July 2014 Amnesty International documented an eviction in breach of international standards in the park of Val D'Ala, in Rome's north-eastern suburbs. The eviction affected 39 Romanian Roma – 11 of them young children, including several babies. At around 7:30AM, local police and municipal authorities

³ For the visit to "Best House Rom" see Risoluzione della Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani d'iniziativa del senatore Manconi approvata il 10 marzo 2015 at <http://www.senato.it/service/PDF/PDFServer/BGT/907146.pdf>; for the visit to the "Ex-Cartiera" see statements by Senator Francesco Palermo towards the end of a video available at <http://www.21luglio.org/nel-centro-di-raccolta-rom-di-via-salaria-ai-margini-della-societa>.

⁴ Amnesty International, *Italy: Ground-breaking court victory for Romani people underscores authorities' failure to protect rights*, press release, 9 June 2015.

moved in on the makeshift camp of shacks and tents and quickly razed the settlement with bulldozers. Many were left homeless.

In January 2014 Amnesty International documented two forced evictions in Rome involving Romani families. In the morning of 29 January, a group of about 60 people, Romanian nationals of Romani ethnicity, were forcibly evicted from the Somaini park, where they had been living for several months in shacks built both inside and outside abandoned ruins within a private property.

The state police, which executed the eviction, told Amnesty International that it was necessary for security reasons linked to the safety of structures within the property. However, they did not consult the affected individuals or provide written notice about the eviction. Instead, the police issued each of them with written notices indicating the initiation of criminal investigations against all those occupying the area. Shelter was offered only to women with small children.

On 27 January 2014, the Polizia Ferroviaria, a branch of the state police responsible for law and order on the railway network, evicted about 50 Romani people who had been occupying a property in via Castelguidone, in Rome, for several months. This eviction too was ordered by the state police and once again the affected people did not receive written notice of the eviction. Only some women with small children were initially offered temporary shelter. After the affected Roma spent several hours demonstrating in front of the Office of the Municipal Councillor for Social Affairs, they were offered alternative accommodation which they accepted.

Amnesty International continues to receive reports of evictions carried out in breach of international standards from various parts of the country. For example, in recent months the organization has been investigating cases in Turin and Cosenza.

Conclusions

The review of the fifth periodic report of Italy provides the Committee with a key opportunity to question the Italian government about its housing policies for Roma. Although most of the information provided in this letter regards the city of Rome, similar violations continue to occur in other parts of the country, contributed to by the complacency – or failure to take action – of the national government.

Despite the approval of a National Strategy for Roma Inclusion in 2012, Amnesty International is not aware of any concrete measures adopted by the national government to tackle the discrimination in access to adequate housing suffered by thousands of Romani families, in the different forms described in this letter.

I would appreciate if you would distribute a copy of the report and this letter to the committee members. I remain at the Committee's disposal should any further information be required.

Yours sincerely,



Anna-Karin Holmlund

Enclosed: DOUBLE STANDARDS: ITALY'S HOUSING POLICIES DISCRIMINATE AGAINST ROMA (Index: EUR 30/008/2013, October 2013), available at:
<https://www.amnesty.org/en/documents/EUR30/008/2013/en/>