



ASSOCIAZIONE 21 LUGLIO

**Submission to the UN Committee on Economic, Social and Cultural Rights
Concerning Italy**

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Associazione 21 luglio ONLUS

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INTRODUCTION

Associazione 21 luglio is an independent¹ non-governmental organization committed to the promotion of Roma and Sinti rights in Italy, mainly through the protection of children's rights and the fight against any form of discrimination. Its main activities are human rights research and advocacy, human rights education and strategic litigation. Associazione 21 Luglio was established in Rome on 6 April 2010. It is registered in the National Anti Discrimination Office's register of anti-discrimination organizations. Associazione 21 luglio is also member of: European Roma Information Office (ERIO), FRA's Fundamental Rights Platform (FRP), Italian Coalition for Civil Rights and Freedoms (CILD), Gruppo CRC (Working Group for the Convention on the Rights of the Child) and Associazione Carta di Roma. Associazione 21 luglio routinely cooperates with the Human Rights Extraordinary Commission of the Italian Senate and with the Human Rights Commissioner of the Council of Europe, and it periodically submits information to the relevant Human Rights Monitoring Bodies. During recent monitoring cycles and thematic discussions Associazione 21 luglio submitted information to CERD, HRC (UPR), ACFCNM, ECRI, and supported the delegations in visiting Roma-only settlements in order to collect first-hand information. Associazione 21 luglio coordinated the "Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy in 2012 and 2013", performed on behalf of the Decade of Roma Inclusion.

Associazione 21 luglio submits this document to the kind attention of the United Nations Committee on Economic, Social and Cultural Rights for its consideration during its 56th session, when the fifth periodic report submitted by Italy will be under review. This submission focuses on issues concerning Roma and Sinti communities living in Italy, providing first-hand information and highlighting the main factors of concern in relation to the application of the Covenant in Italy². The first part provides an in-depth analysis of the status of implementation of the National Roma Integration Strategy, drawing attention on the factors hindering the achievements of concrete results on the ground. The second section of this submission focuses on the violations of the right to an adequate housing affecting Roma, in particular forced evictions and sub-standard housing conditions. The last part provides a brief overview of the available data and main factors of concern concerning access to education by Roma children.

According to the most recent estimates, approximately 180.000 Roma and Sinti live in Italy, constituting about 0,25% of the total population³, and about 60% of them are minors⁴. Concerning the Roma and Sinti living in "authorised" Roma-only settlements (the so called "nomad camps" or "Roma camps"), 51% of them live in the Lazio, Piemonte and Lombardia Regions, 25% in the Lazio Region alone⁵. While about half of the Roma and Sinti in Italy hold Italian citizenship, according to estimates there are at least 15.000 Roma who face a *de facto* statelessness condition, which prevents them to enjoy a wide range of fundamental rights⁶. A crucial factor further complicating the design and implementation of effective inclusive policies is the substantial lack of disaggregated data regarding the Roma and Sinti communities living in Italy⁷.

¹ In order to maintain its independence, Associazione 21 luglio cannot access Italian public funding by statute.

² The information contained in this submission, unless otherwise stated, result from Associazione 21 luglio's constant first-hand monitoring activity and are supported by the relevant documentation stored in the organization's archive.

³ Council of Europe, Estimates and official numbers of Roma in Europe, July 2012.

⁴ Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Concluding Report of the Investigation on the Conditions of Roma, Sinti and Camminanti in Italy, 9 February 2011, p. 19 and p. 45.

⁵ Strati F. (SRS), Italy – Promoting Social Inclusion of Roma, a study of national policies, European Commission, July 2011.

⁶ Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Concluding Report of the Investigation on the Conditions of Roma, Sinti and Camminanti in Italy, 9 February 2011, p. 23.

⁷ The lack of data has been highlighted also by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, by the EU Fundamental Rights Agency and by the Committee on the Elimination of Racial Discrimination.

ISSUES RELATING TO GENERAL PROVISIONS OF THE COVENANT

I. THE NATIONAL STRATEGY FOR ROMA INCLUSION (Art. 2)

In 2008 the Italian Government declared the “Nomad Emergency”, a state of emergency «with regard to settlements of nomad communities»⁸. Following a legal proceeding filed by a NGO⁹, on 16 November 2011 the Council of State declared unlawful the Decree at the base of the “Nomad Emergency”, therefore proclaiming the illegitimacy of all the acts and orders implemented under the emergency framework, as adopted in lack of power¹⁰. Following an appeal against the ruling of the Council of State filed by the Government in February 2012, on 22 April 2013 the Italian Supreme Court of Cassation rejected the appeal, thus definitely ending the “Nomad Emergency”¹¹. Under the emergency framework, which explicitly addressed Roma and Sinti exclusively under a security and public order perspective, various human rights violations occurred, which further exacerbated the living conditions of Roma and Sinti communities. Systematic forced evictions, discriminatory census conducted on ethnic basis (involving also minors) and the transfer of families in sub-standard, inadequate and segregated housing without other alternatives being provided, are among the most blatant¹². At the 80th session of the CERD in early 2012, Italy declared that the data collected during the emergency census had been destroyed. In November 2013, Associazione 21 luglio requested formal access to those data on behalf of two Roma concerned by the census, finding they were still available¹³. This legitimises grounded doubts on whether the destruction of the census data has actually taken place. Despite the formal closure of the “Nomad Emergency”, the Italian Government did not implement any kind of mechanism to provide access to an effective remedy for the Roma and Sinti victims of human rights violations occurred during the emergency period.

In February 2012 Italy submitted its National Roma Integration Strategy (NRIS) to the European Commission¹⁴. Despite lacking an effective monitoring and evaluation mechanism and a set of quantifiable objectives and result indicators, the document foresees a set of integrated policies focusing on four key areas (Housing, Employment, Education, Health), and represents a formal commitment towards Roma and Sinti social inclusion. The Italian NRIS explicitly recognizes the inadequacy of the “camp”¹⁵ policy and the excessive use of forced evictions against Roma and Sinti settlements and its substantial inadequacy¹⁶.

Concerning the situation of the human rights of Roma and Sinti on the ground, during recent monitoring cycles, as the UPR and the 4th monitoring cycle of the Advisory Committee of the Framework Convention for the Protection

⁸ Decree of the President of the Council of Ministers of 21 May 2008, Declaration of the state of emergency in relation to the settlements of nomad communities in the territory of the regions of Campania, Lazio and Lombardia.

⁹ European Roma Rights Centre.

¹⁰ Council of State, Section IV, Judgement No. 6050/2011 of 16 November 2011.

¹¹ Supreme Court of Cassation, Judgement No. 9687/2013 of 22 April 2013.

¹² Associazione 21 luglio widely documented the human rights violations occurred resulting from the “Nomad emergency”, particularly in Rome, see: Associazione 21 luglio, *Esclusi e ammassati*, November 2010; Associazione 21 luglio, *Report Casilino 900*, February 2011; Associazione 21 luglio, *La casa di carta*, May 2011; Associazione 21 luglio, *Linea 40*, October 2011; Associazione 21 luglio, *Anime smarrite*, February 2012; Associazione 21 luglio, *Diritti rubati*, September 2012; Associazione 21 luglio, *Rom(a) Underground*, February 2013. The impact of the emergency measures on the human rights of Roma and Sinti in Italy has also been widely documented by Amnesty International, see: Amnesty International, *The Wrong Answer*, January 2010; Amnesty International, “Zero Tolerance against Roma”, November 2011.

¹³ The formal access has been requested in November 2013 on behalf of M.H. and R.H.

¹⁴ Italian National Strategy for the Inclusion of Roma, Sinti and Caminanti, February 2012.

¹⁵ Since the 80s, as it will be further discussed in a following section of this submission, Italian authorities started to build and manage the so called “nomad camps”, authorised settlements directly managed by the authorities and explicitly addressed to accommodate only Roma, under the wrong perception that Roma are an homogeneous group pursuing a nomadic lifestyle.

¹⁶ Forced evictions usually target inhabitants of informal settlements, which differ from the “authorized” settlements as they are not directly managed by the authorities and usually rise on occupied land presenting makeshift dwellings which, despite some exceptions, average house small group of peoples.

National Minorities, Italy has repeatedly argued that it is addressing the crucial matters through the implementation of the NRIS. A research led by Associazione 21 luglio, delivered in October 2014¹⁷, and the constant monitoring activity carried out, highlight the general and considerable delay affecting the concrete implementation of the NRIS after 3 years since its adoption, confirming the concerns also raised by the Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate in two resolutions issued in December 2013 and March 2015¹⁸. In general, the NRIS is characterized by a non-homogeneous territorial implementation and by high degrees of discretion concerning the translation of the foreseen measures at the central level into concrete measures at the local level. The 8 objectives set for the period 2012 – 2013 have only partially been met, while the first (The establishment of a technic Committee to study the legal status of Roma and to design a Governmental *ad hoc/omnibus* draft law for the recognition of Roma as a national minority) has been totally disregarded. Other factors of concerns highlighted by Associazione 21 luglio are: a mere formal and not substantial participation of Roma in the steps which firstly lead to the draft of the NRIS and subsequently to its preliminary implementation; a governance characterized by a rigid top-bottom approach, which difficultly fits the different demands arising from the different contexts where the NRIS should be implemented; the lack of clear and applicable indications on the operational methods to be adopted in order to transpose in practice the principles and approaches contained in the NRIS.

GOVERNANCE

After three years since its adoption, the main factors delaying and undermining the concrete implementation of the NRIS are of a structural kind, meaning that the main difficulties concern the establishment of those structural preconditions necessary for a homogenous and effective implementation of the NRIS on the ground. The NRIS lacks to clarify the modalities to ensure the implementation of the foreseen actions, it does not specify the responsibilities and does not provide for a clear communication framework (vertical and horizontal). Moreover, administrative and organizational complications hindered the coordination among the different level of governance of the NRIS.

The governance structure of the NRIS, aimed at its transposition from the central to the local level, foresees the activation of Interministerial and National “Tables”, and Regional/Local “Tables” which have the role to «ensure a synergic and homogeneous implementation of the NRIS on the ground» and to inform, orient and monitor the territory of reference in order to promote Roma inclusion. UNAR, the National Contact Point, has thus foreseen the translation of the NRIS into regional and local strategies and the issue of guidelines aimed at local authorities in order to foster inclusion policies coherent with the NRIS. The operational transposition of this top-down governance approach appears more complex than probably expected, resulting in an intermittent and geographically non-homogeneous implementation. Starting from the very first steps, as the activation of the Regional Tables, the mechanism of governance resulted prone to be obstructed and resulted in considerable delays. As of March 2015, only 10 out of 20 Italian Regions have started the formal preparatory meetings (Regional Tables) foreseen by the governance structure of the NRIS: Umbria, Toscana, Emilia Romagna, Molise, Liguria, Marche, Piemonte, Calabria, Campania, Lazio. In three cases out of ten (Umbria, Liguria and Lazio), the establishment of the Regional Table did not signify any concrete activity, as the Tables have not dealt with issues on the merits yet. Despite a declared objective of priority was identified in the activation of the Regional Tables in the 5 Regions where the “Nomad

¹⁷ Decade for Roma Inclusion, Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy, October 2014, available at: http://www.romadecade.org/cms/upload/file/9773_file9_it_civil-society-monitoring-report_en-1.pdf.

¹⁸ Extraordinary Commission for the Protection and Promotion of Human Rights of the Italian Senate, Resolution n. 201 of 18 December 2013 and Resolution n. 456 of 10 March 2015, available at: <http://www.senato.it/application/xmanager/projects/leg17/file/Risoluzione%20Strategia.pdf>, https://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/Doc. XXIVter_n. 9.pdf.

emergency” was in force, the Tables of Lombardia and Veneto are still missing, and that of Lazio has not held a meeting yet. This seems a critical factor, as the 5 “ex-emergency” Regions are the same where the most of Roma and Sinti population concentrates (51.100 out of 180.000 according to estimates) and where most of the Roma-only “authorised” settlements are located (51% of Roma living in “authorised “ settlements concentrate in Lazio, Piemonte and Lombardia). Without an urgent action to unlock and address the situation in these 5 Regions, transposing the NRIS into concrete impact on the ground, the NRIS will hardly be able to benefit the most deprived Roma communities and reach its goals.

Where the implementation of the NRIS is in a more advanced phase (e.g. Toscana Region), it often depended on the awareness of some administrators on the urgent necessity to step up the efforts aimed at Roma inclusion. As a matter of fact, the wide unpopularity of the so called “Roma issue” acts as crucial deterrent factor for the local administrators which have to translate the NRIS into concrete measures at the local level. In this context, pervasive hate speech against Roma assumes an even more dangerous entity. In Italy, according to Pew Research Center, 85% of the population hold a negative opinion about Roma¹⁹. Associazione 21 luglio’s National Observatory on Hate Speech against Roma²⁰ recorded a total of 443 hate speech episodes against Roma and Sinti in 2014, 204 of whom deemed of particular gravity. This results in a daily average of 1,21 episodes, or 0,55 limiting the analysis to the grave episodes, while the 86,5% of all the episodes are ascribable to politicians and elected officials. In the first half of 2015²¹ the Observatory recorded 183 episodes, 105 categorized as grave. Pervasive hate speech against Roma and Sinti has three main dangerous consequences and acts as a powerful hindering factor in preventing Roma inclusion:

- It has a direct and blatant impact in term of daily discrimination on the lives of those targeted;
- It acts as a powerful deterrent means for the administrators in charge to design and implement inclusion policies addressing Roma and Sinti;
- It gradually allows explicit racist rhetoric against Roma and Sinti to be increasingly accepted by the public opinion, paving the way to occasional violent drifts²².

Concerning monitoring and evaluation (M&E) activities, the NRIS does not define the responsibilities, the structures, the mechanisms and the instruments to perform the M&E of Roma inclusion policies, and the National Contact Point is not in the condition to bridge this gap, for various reasons. Firstly, the NRIS is a strategic and programmatic document that lacks aspects related to its operational transposition at the different levels (national, regional, local). Secondly, given the top-down approach which characterizes the involvement of local authorities, civil society organizations and other stakeholders, there is a limited knowledge of the concrete dynamics at the local level, that otherwise would be extremely helpful in assessing the measurable impacts of the actions implemented on the ground. Moreover, currently the National Contact Point and the other governance structures of the NRIS are not in the position to collect the Roma’s point of view on the NRIS’ implementation, due to the relatively scarce involvement at the national level and to the total lack of direct contacts and consultations with Roma on the ground (particularly with those in the most deprived conditions). Lastly, as the implementation of the NRIS is at a very preliminary step, it is impossible to evaluate whether the relevant authorities are able to differentiate among coordination and M&E activities. Within this centralized framework, the efforts of the National

¹⁹ Pew Research Center, Anti-Roma, Anti-Muslim Sentiments Common in Several Nations, May 2014, available at: <http://www.pewglobal.org/2014/05/12/a-fragile-rebound-for-eu-image-on-eve-of-european-parliament-elections/pg-2014-05-12-eu-0-09/>.

²⁰ The Observatory daily monitors around 120 sources and focuses on hate speech episodes promoted by politicians, elected officials, State officials, private citizens with a certain degree of formal organization (e.g. Committes, Unions, Corporations, etc.). For its categorization the Observatory relies on the relevant international, regional and domestic standards. See: <http://www.21luglio.org/osservatorio>.

²¹ From 01/01/2015 to 15/07/15.

²² In 2014, twelve violent attacks targeting Roma and Sinti were recorded by Associazione 21 luglio in Italy.

Contact Point are mainly aimed at coordination at the national level and partly at the regional level, while elements ascribable to M&E activities are absent at any level.

HOUSING

The main national policies do not present elements in blatant contrast with the NRIS, but within the Italian decentralization context local authorities have a certain degree of autonomy in designing and implementing local policies²³. At the same time, it must be stressed that the local level assumes a fundamental importance for a concrete implementation of the NRIS through effective measures. Within this framework, the local authorities have a degree of discretion which can lead to the implementation of policies in contrast with the principles of the NRIS. The following part highlights the housing policies targeting Roma implemented by some Italian local authorities starting from 2012 which contrast with the NRIS, as they reiterate housing and social segregation through the construction or the extraordinary refurbishment of Roma-only “authorised” settlements. These policies constitute a blatant breach of Italy’s commitments contained in the NRIS, of EU Directive 2000/43 and of the relevant international human rights standards, additionally entailing immense voices of expense which could otherwise be directed towards effective inclusive policies with sustainable impacts on a wider number of beneficiaries. Unless otherwise stated, the listed expenses are referred to construction/extraordinary refurbishment costs and do not include those related to the management of the “authorised” settlements.

The list provides the following information: year, typology, name (amount of funding), number of persons affected, place.

a) CONSTRUCTION COMPLETED:

- 2012: Roma-only settlement, La Barbuta (about 10.000.000 €), about 600 persons, Rome.
- 2012: Roma-only reception facility, Best House Rom (yearly management: 2.623.000 €; costs for the refurbishment of the building: N/A), about 320 persons, Rome.
- 2013: Roma-only settlement, Masseria del Pozzo (379.210 €), about 370 persons, Giugliano (NA).
- 2013: Roma-only reception facility, Lombroso (200.000 €; 782.000 € yearly expense for the management), 148 persons, Milan. According to the authorities this facility should provide a temporary and intermediate shelter for Roma families who are part of social inclusion projects. It is a monoethnic settlement (Roma-only) and the housing units are containers.²⁴
- 2014: 2 Roma-only settlements, Ex scuola Cortile + Magazzino ex colombofila (94.400 €, the housing units are of property of the Roma families and have been moved from the previous settlement), 71 persons, Carpi (MO).
- 2014: Roma-only settlement, Villaggio Martirano (2.252.000 €), 90 persons, Milan.
- 2015: Roma-only tent settlement, Tendopoli rom Cosenza (N/A), about 450 persons, Cosenza.

b) UNDER CONSTRUCTION:

- 2014: Roma-only settlement, Al Karama (1.280.000 €), about 100 persons, Latina.
- 2014: Roma-only settlement, Nuovo Panareo (933.300 €), about 100 persons, Lecce.
- 2014: Roma-only settlement, Nuovo campo sinti (1.350.000 €), 49 persons, Merano.

c) EXTRAORDINARY REFURBISHMENTS (the intervention foresees the temporary transfer of the inhabitants to another shelter, the costs are related to the extraordinary maintenance expenses only):

²³ See: Italian Constitution, Part II, Title V.

²⁴ In 2015 the facility started to host also non Roma families evicted from social housing units.

- 2013: Roma-only settlement, via Guerra (280.000 €), 175 persons, Asti.
- 2013: Roma-only settlement, Fontanassa (100.000 €), about 130 persons, Savona.
- 2014: Roma-only settlement, Via Germagnano (about 400.000 €), 160 persons, Turin. NOT STARTED YET
- 2014: Roma-only settlement, Strada Aeroporto (about 400.000 €), 120 persons, Turin. NOT STARTED YET
- 2014: Roma-only settlement, Via Cricoli (309.000 €), 100 persons, Vicenza.

d) IN ADVANCED PLANNING (project presented, construction not yet started):

- Roma-only settlement, Barbuta/Leroy Merlin (10.000.000 €), 500 persons, Rome. [After repeated lobbying activities the corporation Leroy Merlin committed to abandon the project, but it did not officially retire it]
- Roma-only settlement, Nuova Cesarina (about 1.000.000), 137 persons, Rome. [After repeated lobbying activities the municipality blocked the project, but it did not officially retire it]
- Roma-only settlement, Brusigliano (500.000 €), 65 persons, Pistoia.
- Roma-only settlement, Cupa Perillo (7.015.996 €), 400 persons, Naples²⁵.
- Roma-only settlement, Giugliano (2.000.000 €), 370 persons, Giugliano (NA). *In the plans of the administration here should be moved the inhabitants of Masseria del Pozzo (see point a), thus the two interventions could be considered two distinct phases of the same policy.

e) UNDER DEBATE:

- Roma-only settlement, Nuovo Campo Oggiono (N/A), about 30 persons, Oggiono (LC).

The majority of these measures have been – or are being – implemented in the 5 “ex-emergency” Regions, providing a further argument in support of the necessity to urgently address and unblock the implementation of the NRIS in these territories.

Despite the Government and UNAR do not share data on the amount of funding allocated for Roma inclusion policies, in Italy’s national report submitted to the Human Rights Council during the 2014 Universal Periodic Review is possible to notice an allocated amount of 19.830.000 € (without time references)²⁶. It must be stressed that the overall amount of funds dedicated to the segregating policies just listed widely exceeds those allocated at the central level, highlighting the existence of a significant amount of public funding directed towards the implementation of policies diametrically opposite to the approach contained in the NRIS. This phenomenon deeply undermines the effectiveness of the NRIS, as any effort spent towards its implementation risk to be considerably weakened if not overcome by opposite measures sustained through conspicuous fundings that, overall, total more than the allocated funding for the implementation of the NRIS. The picture is cause of further concern if we take into account also the amount of funding periodically allocated by local authorities for the management of the “authorized” settlements: in 2013 the city of Rome alone spent 22.563.088 € for this purpose²⁷.

²⁵ The Municipality of Naples intended to build the new Roma-only settlement making use of the 2007 – 2013 European Regional Development Funds. A coalition of NGOs, among which Associazione 21 luglio and ERRC, addressed the EU Commission with a letter of concern, highlighting the incompatibility of the main features of the project with the EU legislation and with the EU guidelines on ERDF. The EU Commission acknowledged the incompatibility of the project with ERDF guidelines. The case was also publicized as an example of tentative misuse of EU funds by the EU ombudsman, see: <http://www.ombudsman.europa.eu/en/press/release.faces/en/59897/html.bookmark>. The project for the new settlement is presently frozen, but not officially retired by the Municipality.

²⁶ Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Italy, 21 July 2014.

²⁷ Associazione 21 luglio, Campi Nomadi S.p.A., June 2014.

RELEVANT DEVELOPMENTS

The following relevant activities have been implemented within the framework of the NRIS since 2012²⁸:

- Project COMINROM, aimed at combating institutional discrimination through the training of social workers and other actors directly involved with Roma communities. Among the 500 beneficiaries, 8% were Roma. Unfortunately the project missed the declared objective of establishing the basis for a direct involvement of Roma and Sinti in shaping the policies that closely affect them.
- National Project for the Inclusion and Integration of Roma, Sinti and Caminanti children, jointly promoted by the Ministry of Labour and Social Policies and by the Ministry of Education. The project targeted 42 classrooms in 23 schools in 13 different cities (Catania, Palermo, Reggio Calabria, Cagliari, Naples, Bari, Rome, Florence, Bologna, Venice, Milan, Genova, Turin).
- Project Diversity on the Job, aimed at fostering the inclusion in the employment sector of Roma and Sinti and LGBT. It resulted in 246 internships of the duration of 3 months²⁹.
- Project TroVARSI, coordinated by INMP and funded by the Ministry of Health and focusing on the vaccination of Roma children³⁰.
- UNAR, ISTAT and ANCI started a joint collaboration aimed at elaborating indicators that could measure the impact of the implementation of the NRIS.
- In the 2014 – 2020 Partnership Agreement approved by the European Commission on 29 October 2014, a specific objective (RA 9.5) explicitly aimed at Roma inclusion was included³¹.
- In July 2015 the Emilia Romagna Region passed the Law 11/2015 “Norms for the Social Inclusion of Roma and Sinti”, which broadly draws from the contents of the NRIS³².

CONCLUSIONS

Comparing to the period of the “Nomad emergency” we are witnessing a gradual change of approach in policies aimed at Roma inclusion, and the adoption of the NRIS and the first efforts towards its implementation are a clear indicator of this path. In 2013, and particularly in 2014, an increasing consensus on the urgency to implement effective inclusion policies for Roma, and particularly on the necessity to overcome segregating housing solutions, can be traced among decision makers at the national level. Nevertheless, the translation of commitments into concrete measures is intermittent and in considerable delay, resulting in **no substantial improvement of the living conditions of Roma and Sinti families on the ground**. A considerable discrepancy between the orientation of national authorities and that of local authorities can be noted, factor which hinders the transposition of the NRIS into concrete measures at the local level. The high degree of discrepancy, the territorial non-homogeneous implementation and the considerable delays collected are all critical factors currently jeopardizing the potential positive impact of the NRIS.

²⁸ For further information on the activities implemented within the NRIS framework in Italy, please see: Decade of Roma Inclusion Secretariat Foundation (Coalition leader: Associazione 21 luglio), Civil Society Monitoring on the Implementation of the National Roma Integration Strategy in Italy in 2012 and 2013, October 2014.

²⁹ See: <http://www.unar.it/unar/portal/?p=3684>.

³⁰ See: <http://www.inmp.it/index.php/ita/Progetti/Progetto-troVARSI-Vaccinazioni-Rom-e-Sinti-in-Italia>.

³¹ See: <http://www.dps.gov.it/it/AccordoPartenariato/>.

³² Text available at: http://demetra.regione.emilia-romagna.it/al/monitor.php?vi=nor&pg=LR/10/2015/LR_2015_11/LR_2015_11_v2.pdf&blob=1&pg_t=application/pdf&pg_a=n&pg_dir=a&id_doc=41500bc1-d4a8-3084-8fd2-55a8e1e0cbd7.

ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT

II. THE RIGHT TO AN ADEQUATE HOUSING (ART. 11.1)

2.1. SEGREGATION AND SUB-STANDARD HOUSING CONDITIONS

In its Concluding Observations concerning the fourth periodic report submitted by Italy, the Committee on Economic, Social and Cultural Rights expressed concern about «the plight of Roma immigrants living in camps with poor housing, unhygienic sanitary conditions, limited employment prospects and inadequate educational facilities for their children», thus urging Italy to «step up its efforts to build more permanent housing settlements for the Roma immigrants and take all the necessary measures to promote their integration into local communities» while adopting «all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups».³³ Since 1984³⁴ some Italian Regions, in lack of a broader national legislation, started to adopt laws aimed at the “protection of nomadic cultures”. These laws were underpinned by the wrong conviction that Roma and Sinti are “nomads”³⁵, with the double effect to strengthen the perception of Roma and Sinti as “nomads” and to lead to the official construction and management of segregated living spaces. All these laws³⁶ have a common thread: they foresee the design and construction of “authorised” settlements (so called “Roma camps”) specially tailored for Roma and Sinti communities, thus promoting and justifying segregating and excluding policies. Even if initially the realization of “authorised” settlement was not intended to be a means of segregation but a way to protect the perceived peculiarities of these minorities, the results have been extremely critical in terms of spatial segregation and social marginalization. Italy is legally bound to protect, respect and fulfil the right to adequate housing and to non discrimination by a number of international and regional instruments, and it has been repeatedly urged by a number of human rights monitoring bodies to put an end to discriminatory practices and policies affecting Roma living within its territory. The Italian authorities have repeatedly failed to meet these international obligations and recommendations, as they continued with the practice to officially construct and manage “authorised” settlements, and to provide Roma and Sinti families with housing units inside them. The “authorised” settlements are designed and managed as to constitute a parallel and permanent housing

³³ CESCR, Concluding Observation of the Committee on Economic, Social and Cultural Rights – Italy, 14 December 2004, paras. 24, 45 - 46.

³⁴ The first Regional law to discipline the so called “Roma issue” was the law n. 41 of 16 August 1984 of Veneto Region (“Interventions for the protection of the Roma culture”). This law was subsequently repealed, but it clearly inspired the successive Regional laws of the 80s/90s. This excerpt helps to understand the basis on which it was grounded: «the stop off of these groups created and creates problems of a various nature, in theme of relationships with the local communities, as well as concerning the public order. Being dealt with *a posteriori* or under repressive terms, these problems did not disappear, but they proposed again, even worsened; it is thus necessary to tackle them *a priori*, with a set of measures able to prevent them, and in any case to attenuate their impact, making the interested communities to feel responsible». The other Regional laws are: law n. 82/1985 of Lazio Region, “Norms in favour of Roma”; law n. 9/1988 of Sardegna Region, “Protection of nomads’ ethnicity and culture”; law n. 47/1988 of Emilia Romagna Region, “Norms for nomads minorities in Emilia Romagna” (repealed by law 11/2015); law n. 11/1988 of Friuli Venezia Giulia Region, “Norms for the protection of Roma culture within the territory of the autonomous Region of Friuli Venezia Giulia”; law n. 77/1989 of Lombardia Region, “Action for the protection of populations belonging to traditionally nomad and semi-nomad ethnicities” (abrogated on 30 June 2015); law n. 54/1989 of Veneto Region, “interventions for the protection of Roma and Sinti culture”; law n. 32/1990 of Umbria Region, “Measures to favour the integration of nomads in the society and for the protection of their identity and cultural heritage”; law n. 26/1993 of Piemonte Region, “Interventions in favour of the Gypsy population”; law n. 2/2000 of Toscana Region, “Interventions for the Roma and Sinti people”; law n. 12/2009 of the Autonomous Province of Trento, “Measures to favour the integration of the Sinti and Roma groups residents in the Province of Trento”.

³⁵ The practice by the Italian authorities to label the Roma and Sinti as “nomads” is mostly spread at the local level, even if it still can be traced in some government’s official documents, as the yearly report of the Ministry for Education on foreign pupils, where Roma students are referred to as “nomads”, see:

http://www.istruzione.it/allegati/2014/Notiziario_Stranieri_13_14.pdf.

³⁶ With the exception of the laws of the Region Toscana, of the Autonomous Province of Trento and of the new law of Emilia Romagna Region, which, even if presenting some objectionable issues, propose a diversified range of housing solutions, and aim at overcoming the mere assistance approach.

system specifically designed for Roma and Sinti, in alternative to ordinary housing solutions, as for example the social housing system³⁷. In many Italian municipalities an ad-hoc “Roma Office” is in charge of the management of the settlements and of the assignation of the housing units. On 30 May 2015 the Civil Court of Rome ruled on the discriminatory nature of institutional segregation inside a Roma-only “authorised” settlement, with regard to the La Barbuta settlement in Rome³⁸. In April 2012 the NGOs ASGI (Association for Legal Studies on Immigration) and Associazione 21 Luglio took legal action against the City of Rome to stop the construction of La Barbuta Roma-only settlement³⁹. As argued in the complaint, the Court stated that the construction of the “village” La Barbuta was discriminatory in nature, and therefore unlawful by the mere fact that a specific ethnic group was being segregated from the local population through the provision of housing from the Municipality. The Court stated that «It must indeed be considered as discriminatory any large scale housing solution directed only at persons belonging to the same ethnic group, especially if realised, as in the case of the settlement site in La Barbuta, in order to hinder cohabitation with the majority population, and in terms of equal access, to fair conditions, to education and social health services located in an area where there is a serious risk to the health of persons residing there» and thus acknowledged «the indirect discriminatory nature of the Rome Municipality’s behavior [...] that it expressed in the allocation of housing in the formal camp La Barbuta», and therefore ordered the City of Rome to halt any future actions and adequately and fairly address the needs of the affected Roma community. This judgment applies also beyond the context of La Barbuta. Placing Roma in Roma-only “authorised” settlements, shelters or any other mono-ethnic housing solution fosters social exclusion and is contrary to a range of international obligations and to the Race Equality Directive 2000/43 that prohibits discrimination in housing.

Depending on the geographical area, Roma-only “authorised” settlements are inhabited by Roma from diverse background: Italian Roma, Italian Sinti, Roma from Former Yugoslavia of old and recent immigration (a minority of whom acquired Italian citizenship during the years) and Romanian Roma of recent immigration. The resettlement into “authorised” settlements of high numbers of forcibly evicted Roma during the “Nomad emergency” resulted in further deteriorating their housing conditions. The Italian authorities committed to overcome discriminatory segregation and sub-standard housing conditions in “authorised” settlements with the approval of the National Roma Integration Strategy. Despite this commitment, the persistence of the “encampment policy”⁴⁰ addressed towards Roma and Sinti has continued to attract criticisms from a number of human rights monitoring bodies also in recent years⁴¹. A recent mapping performed by Associazione 21 luglio indicates that Italy currently manages 145

³⁷ While the public notices do not include any clause directly excluding Roma from applying for social housing, in practice they hardly meet the criteria needed in order to obtain a high score in the rankings and have a social housing unit assigned (e.g. the housing sub-standard conditions of the “authorized” settlements are not taken into consideration, being forcibly evicted from a spontaneous settlement does not count as being evicted from a conventional house, the assignation of a housing unit in an “authorized” settlement is already deemed as a kind of institutional assistance and thus does not allow for a high score), or they lack some of the requirements to apply at all (e.g. citizenship, formal residency, permit of stay of the duration of more than one year), thus only few Roma families succeeded in being assigned a social housing unit. The municipality of Rome deserves a specific focus, as in early 2013 the Department for Housing Policies issued a discriminatory circular explicitly excluding Roma residing in “authorized” settlements from having recognized a high score in the rankings for social housing units (see: <http://www.errc.org/article/italy-municipality-of-rome-denies-social-housing-to-roma-living-in-formal-camps/4096>). Following the intervention of international and national NGOs, the Municipality withdrawn the circular and ceased its effects. Despite the positive development, it must be stressed that only few of the Roma living in “authorized” settlements in Rome meet the eligibility criteria (e.g. residency, stay of permit of more than 1 year, ID papers) for applying for a social housing unit, thus, with the present criteria, social housing cannot be identified as the unique response in order to desegregate Roma communities living in “authorized” settlements.

³⁸ Civil Court of Rome, II Section, Ordinance of 30 May 2015, Annex I to the present submission.

³⁹ This lawsuit was supported by Amnesty International (AI), European Roma Rights Centre (ERRC) and Open Society Foundations (OSF).

⁴⁰ It must be stressed that few municipalities started, or are currently in an advanced phase of debate, to de-segregate Roma communities from “authorised” settlements: Alghero, Bologna, Genova, Lucca, Parma, Prato, Sesto Fiorentino.

⁴¹ CERD, Concluding Observations: Italy, March 2012, para. 15; ECRI, ECRI Report on Italy (4th monitoring cycle), February 2012, para. 92; European Committee of Social Rights, Conclusions 2011 (Italy), Articles 7, 8, 16, 17, 19, 27, 31 of the Revised Charter, January 2012, pp. 40-41.

“authorised” Roma-only settlements⁴². Associazione 21 luglio widely documented the housing conditions of “authorised” settlements in Rome, Milan, Naples, Turin, Pisa, Lecce, Cosenza, Lamezia Terme and Palermo⁴³. None of the settlements visited meets the international standards set forth in the CESCR’s General Comment No. 4. The “authorised” settlements are often fenced and equipped with CCTVs, occasionally with a security guard checking the entrance. Differently than in other housing solutions provided by the authorities (eg. social housing), an official written permission from the authorities is required in order to access the “authorised” settlements, while is occasionally required to leave ID papers at the entrance. Visits from relatives and friends are generally restricted, and guests have often to be registered at the entrance. The housing units (mostly containers, trailers or bungalows) are overcrowded and because of the deteriorated conditions due to their intrinsic temporary nature, they do not offer an adequate protection from weather adversities and structural hazards. All the official settlements present deteriorated hygienic and sanitary conditions, posing a grave threat to the health of the inhabitants⁴⁴, and they frequently lack adequate access to one or more of the most basic services like drinking water⁴⁵, sanitation facilities⁴⁶ and adequate heating systems. Most of the “authorised” settlements are located on the outskirts of cities, often in industrial or agricultural areas, aggravating the marginalization of the inhabitants from the rest of the society (in Rome the average distance from the “authorised” settlements to the closest public transport facility is 2 Km)⁴⁷. In some cases a school bus service for Roma children living in the “authorised” settlements is offered by the local authorities, but due to the physical distance of the settlements from the schools, the pupils arrive hardly on time and have to leave the school earlier than non-Roma pupils, with grave repercussions on their schooling path⁴⁸. In some cases the “authorised” settlements are situated in unhealthy areas, further compromising the health of the inhabitants⁴⁹. In most of the cases, housing inside an “authorised” settlement lacks an adequate degree of security of tenure. The assignation of a housing unit inside “authorised” settlements is of a temporary nature (commonly 6 to 24 months, depending on the settlement) and should be subject to periodic formal renewals, but in practice most of the residents hold only the initial assignation notice and continue to reside inside the settlement on the basis of a *de facto* tacit renewal, a condition that exposes them to sudden removals and arbitrary expulsions. All the households visited by Associazione 21 luglio in the “authorised” settlements fall inside the definition of “slum household” provided by the UN-HABITAT. Similar sub-standard housing conditions can be recorded in the Roma-only reception facilities, existing in the cities of Rome (via Salaria, “Best House Rom” in via Visso, via Amarilli, via Toraldo and via di San Cipirello) and Milan (Social Emergency Centres of via Lombroso and via Barzaghi), while the recently opened Roma-only reception facility of Naples (Centro “Grazia Deledda”) meets the standards on housing adequacy but nevertheless has a mono-ethnic feature. The “Best House Rom” reception facility, located in via Visso in Rome, on the outskirts of the city, deserves a particular focus. This facility, opened in July 2012, currently houses around 300 Roma (around 150 minors) in 12 m² rooms without windows. Each room hosts up to 5 persons, meaning

⁴² The mapping is intended for internal use and will not be made available to the public, also for privacy and security concerns.

⁴³ Associazione 21 luglio, Figli dei “campi”, December 2013; available at http://www.21luglio.org/wp-content/uploads/2013/12/Figli-dei-campi_Associazione21luglio.pdf.

⁴⁴ During the interviews carried out in “authorised” settlements by Associazione 21 luglio with residents, doctors and social workers, a high incidence of various physical diseases (respiratory diseases, dermatitis, lice, warts, scabies, cardiovascular diseases) and of mental diseases (anxiety, phobia, sleep disorder, hyperactivity and learning difficulties) has been reported. In October 2012 in the “authorized” settlement of Salone in Rome, after a consistent sewage leak due to the overcrowding of the camp, an outbreak of hepatitis A was recorded. As a consequence ten children went through hospitalization and other 80 underwent vaccination. In 2015 the residents continue to report periodical leaks from the sewage system.

⁴⁵ In most of the settlements visited by Associazione 21 luglio, the water is allegedly reported as undrinkable by the residents, who report abdominal pain especially among children.

⁴⁶ All the sanitation facilities observed in the “authorized” settlements are inadequate, either because of the extremely deteriorated conditions or because of the inadequacy in quantity in relation to the number of inhabitants.

⁴⁷ Associazione 21 luglio, Rom(a) Underground, February 2013; available at http://www.21luglio.org/wp-content/uploads/2013/02/ROMA%20UNDERGROUND_English%20final.pdf.

⁴⁸ Associazione 21 luglio, Linea 40, October 2011.

⁴⁹ This is for example the case of the newly constructed La Barbuta “authorized” settlement in Rome, located under the final approach path of aircrafts landing in the Ciampino airport, and of the Masseria del Pozzo “authorised” settlement in Giugliano (Naples), opened in april 2013 and situated in a heavily polluted area next to a garbage dump.

a space of 2,5 m² each, less than the 4m² limit for detention facilities set by the European Court of Human Rights concerning the prohibition of torture and other inhuman and degrading treatments⁵⁰. On 6 December 2014 the managers of the reception facility collected the signatures of the residents and produced a letter addressed to the Municipality of Rome on their behalf, stating that «the living conditions inside the facility and the services offered are adequate to their needs»⁵¹.

2.2. FORCED EVICTIONS

In its Concluding Observations concerning the fourth periodic report submitted by Italy, the Committee on Economic, Social and Cultural Rights urged Italy «to take effective measures to ensure that forced evictions of Roma and tenants who cannot pay their rents comply with the guidelines established by the Committee in its General Comment No. 7»⁵². The Italian legislative framework does not foresee an explicit reference concerning forced evictions, but it is possible to find the relevant principles in articles 14 (inviolability of the residence), 29-31 (protection and safeguard of the family) and 42 (private property) taken together with articles 2 and 3 of the Italian Constitution⁵³. Differently from evictions from private housing or from irregularly occupied social housing, the Italian legislation does not offer a clear framework concerning evictions from informal settlements. This translates in a high degree of discretion by the authorities, meaning that their action is unlikely subject to jurisdictional control, particularly when they act without the support of a formal administrative order resulting from a formal procedure which could be challenged in Court⁵⁴. Roma and Sinti continue to be repeatedly forcibly evicted from their houses by the authorities throughout Italy. Forced evictions constitute a gross violation of human rights and have dramatic consequences on the life of children and a disproportionate impact on their educational paths. Public officials are often unaware of the unlawful nature of forced evictions⁵⁵. Systematic campaigns of forced evictions have been carried out by the authorities throughout Italy and mainly in the cities of Rome and Milan, often accompanied by a security-centred rhetoric, and they have also been used as a means for electoral gain⁵⁶. In the city of Rome alone, from 1 January 2012 to 20 March 2015 a total of 324 documented forced evictions were carried out⁵⁷. In 2013 the authorities of Rome carried out 54 documented forced evictions, affecting around 1.230 Roma, with an estimated total expense of 1.545.058 €, while in 2014 they forcibly evicted around 1.135 Roma during 34 documented forced evictions, spending around 1.315.000 €. In 2015 (January – July) 63 documented forced evictions were carried out in Rome, affecting about 923 Roma, with an estimated total expense of 1.126.990 €. It must be stressed that reliable estimates attest the total Roma population residing in spontaneous settlements in Rome at about 2.000

⁵⁰ European Court of Human Rights, *Torreggiani and others v. Italy*, Judgement of 8 January 2013.

⁵¹ Associazione 21 luglio obtained a copy of the letter.

⁵² CESCR, Concluding Observation of the Committee on Economic, Social and Cultural Rights – Italy, 14 December 2004, para. 47.

⁵³ An in-depth analysis on the constitutional principles providing for some degrees of protection against forced evictions from informal settlements can be found in: Livio Neri, *I profili giuridici degli sgomberi degli insediamenti abusivi*, in P. Bonetti, A. Simoni e T. Vitale (edited), *La Condizione giuridica di roma e sinti in Italia*, Book II, Milan, 2011, pp. 849 onwards.

⁵⁴ Associazione 21 luglio is currently aware of only two pending legal proceedings against forced evictions affecting Roma (already carried out) in front of the Administrative Courts of Milan (*Dumitru and Stoican v. Municipality of Milan*) and Rome (*Trajkovic, Jovanovic and Kostic v. Municipality of Rome*). The interesting feature of the proceedings is that they are involving both cases in which the affected families were only informally notified about the eviction without any formal notice (Milan) and cases in which the eviction resulted from a formal procedure and was formally notified (Rome).

⁵⁵ In this sense, the statement collected by Associazione 21 luglio in a meeting with a high level public official in Rome on 26 October 2012 is emblematic: «We evict informal settlements because of environmental and socio-sanitary reasons. [...] The eviction is “forced” only because it is necessary and must be carried out due to sanitary reasons. It is absolutely untrue that they are unlawful».

⁵⁶ This happened in Milan in 2011, and again in Rome in May-June 2013, when during the electoral campaign the former mayor of Rome Gianni Alemanno widely publicized in his placards the number of forced evictions targeting Roma carried out during his mandate. Presently, in Rome forced evictions are often accompanied by press statements released by Municipal authorities who take credit for and/or acclaim the operation.

⁵⁷ From 31 July 2009 to 20 March 2015 Associazione 21 luglio documented a total of 655 forced evictions targeting Roma in Rome.

individuals⁵⁸, meaning that during the years the same persons have been repeatedly forcibly evicted from their settlements and their shelters repeatedly destroyed⁵⁹. Starting from early March 2015 a sudden rise in forced evictions affecting Roma has been recorded in Rome, with 56 operations carried out from 15 March to 31 July while only 8 forced evictions were carried out from 1 January to 15 March and only 15 during the same timeframe (15 March – 31 July) in 2014, fueling concern with regard to the plans linked to the Jubilee that will be held starting from December 2015⁶⁰. In recent years, also the municipality of Milan systematically evicted Roma from their houses. In 2013, 108 forced evictions were carried out in Milan, affecting around 2.210 Roma, while in 2014 around 2.276 Roma were forcibly evicted during 191 forced eviction operations⁶¹. Forced evictions mainly target Roma and Sinti living in informal (spontaneous) settlements, but also inhabitants of “authorised” settlements have been victims of forced evictions, as occurred in September 2012 to the 350 residents of the Tor De’ Cenci settlement in Rome⁶², to the 184 residents of the La Cesarina settlement (Rome) in December 2013⁶³ and to part of the residents of the Salviati II settlement (Rome) in October 2014, highlighting the lack of security of tenure also in these kind of settlements. Arbitrary expulsions from Roma-only reception facilities have been recorded in Rome in 2014. In one case on 21 November 2014 a group of 28 Roma (among which 23 minors) were expelled from the “Best House Rom” reception facility (Rome) with no alternative housing being offered. Associazione 21 luglio required formal access on behalf of the families to the documentation supporting the expulsion, finding out that the expulsion order was grounded on a single report of a social worker of the structure without any supporting evidence. A month before the expulsion two men of the affected families had participated to a convention in Turin where they had denounced the sub-standard conditions of the Roma-only reception facility. Apart from the cities of Rome and Milan, from 01/01/2014 to 31/07/2015 Associazione 21 luglio recorded 45 forced evictions targeting Roma in North Italy⁶⁴, 33 forced evictions in Centre Italy⁶⁵ and 22 forced evictions in South Italy⁶⁶. Recent examples of forced evictions affecting large amounts of persons are the forced eviction from the Baiardo camp occurred on 5 July 2012 in Rome (more than 300 persons totally affected), the forced eviction affecting about 140 Roma carried out in the EUR neighbourhood in Rome on 5 June 2013, the forced eviction occurred on 12 September 2013 in via Salviati in Rome (120 persons totally evicted), the forced eviction of approximately 700 Roma from two adjacent areas in the Certosa neighbourhood in Milan on 25 November 2013, the forced eviction carried out on 1 April 2014 in the EUR neighbourhood in Rome affecting about 140 persons, the forced eviction of approximately 120 Roma from a settlement close to the Marconi bridge in Rome on 29 April 2014, the forced eviction occurred on 11 August 2014

⁵⁸ The same estimate is adopted by the Department for Social Policies of Rome. The vast majority of the residents in spontaneous settlements is made up by Romanian Roma.

⁵⁹ This circumstance is also confirmed by the numerous statements collected by Associazione 21 luglio while monitoring forced evictions.

⁶⁰ Pope Francis I declared the Jubilee on 13 March 2015.

⁶¹ Naga, Nomadi per forza, March 2015, available at:

http://www.naga.it/tl_files/naga/comunicati/INVITI/Report_Nomadi%20per%20forza.pdf.

⁶² The evicted families were subsequently resettled in 2 Roma-only “authorised” settlements on the outskirts of the city: the newly constructed La Barbuta settlement and the Castel Romano settlement.

⁶³ The 184 residents were subsequently resettled in a sub-standard Roma-only reception facility (called “Best House Rom”). Initially (December 2013) the Department for Social Policies formally committed to relocate in an adequate housing the 184 persons within 4 months, as of July 2015 the 184 persons are still living in the “Best House Rom”.

⁶⁴ Bergamo (27/03/15, 30/03/15, 15/05/15), Bologna (17/03/14, 14/05/14, 15/07/14, 23/08/14, 16/01/15, 02/03/15, 13/03/15, 16/04/15, 17/05/15, 30/05/15, 05/06/15, 06/07/15, 17/08/15), Brescia (17/06/14), Genova (21/03/14, 15/04/14, 29/10/14, 18/03/15, 25/05/15, 23/06/15, 13/08/15), Imperia (22/04/15), Monza (24/03/15, 23/04/15), Padova (31/01/14, 04/02/14, 18/07/14, 26/07/14, 28/08/14, 08/10/14, 08/11/14, 11/11/14, 17/04/15, 10/07/15), Turin (11/07/14, 18/07/14, 26/02/15), Busto Arsizio (24/03/15, 17/04/15) Gallarate (27/03/15), Venice (02/05/15), Ventimiglia (30/03/15).

⁶⁵ Alba Adriatica (04/08/15), Ancona (19/03/15), Città di Castello (09/06/15), Civitanova (08/01/14, 20/08/14), Firenze (01/07/14, 13/04/15, 20/05/15, 26/05/15, 24/07/15), Frascati (18/10/14), Giulianova (03/02/15), Latina (09/07/15), Livorno (26/01/14), Lucca (06/05/14), Pisa (13/03/14, 16/04/14, 23/06/14, 20/10/14, 24/10/14, 01/11/14, 02/11/14, 18/11/14, 10/12/14, 03/01/15, 11/02/15, 02/04/15, 13/04/15, 08/07/15, 17/07/15, 30/07/15), Serravezza (20/06/15), Viareggio (18/03/15).

⁶⁶ Bari (17/01/14, 13/11/14), Cosenza (25/06/15), Lamezia Terme (10/04/14), Molfetta (25/07/14), Napoli (05/02/14, 22/11/14, 14/02/15, 06/07/15, 10/07/15, 20/07/15), Salerno (01/04/14, 04/04/14, 06/11/14, 17/11/14, 30/01/15, 26/02/15, 14/04/15, 17/04/15, 28/04/15), Palermo (23/10/14), Teramo (11/11/14).

in via di San Dionigi (Milan) where around 300 Roma were living since 2003, the forced eviction of about 150 Roma from a settlement in the Magliana neighbourhood carried out on 28 August 2014, the forced eviction of 199 Roma from the section 1 of the Lungo Stura settlement in Turin occurred on 26 February 2015⁶⁷, and the forced eviction of about 490 Romanian Roma, subsequently relocated in a Roma-only sub-standard tent camp, from the Vaglio Lise settlement in Cosenza occurred on 25 June 2015⁶⁸. When evicting Roma and Sinti families, the Italian authorities hardly ever apply all the procedural protections foreseen by international instruments⁶⁹: in most of the documented cases, evictions are carried out in absence of formal eviction orders and without a formal notice, therefore impeding the access to a legal remedy, and without an adequate advance notification, in absence of any kind of consultation; often evictions result in the arbitrary loss of private property without compensation and in people being rendered homeless, as no adequate alternative housing solution is provided to those unable to provide for themselves. When alternative housing is offered, either it usually foresees the division of households (only mothers with children are offered temporary shelter in emergency structures), or it takes the form of a sub-standard and inadequate housing unit in a segregated Roma-only “authorised” camp or Roma-only reception facility⁷⁰. The most common arguments brought by the authorities to justify forced evictions are related to the precarious hygienic-sanitary conditions of informal settlements. Forced evictions do not result in restoring housing adequacy, but in reiterating housing inadequacy in another place while further increasing the vulnerability and exacerbating the living conditions of those affected. In January 2013 the National Office against Racial Discrimination (UNAR) issued a set of guidelines on evictions and human rights, but these are of an informative nature, non legally binding and have not been properly publicized⁷¹.

THE FORCED EVICTION FROM THE VAL D’ALA INFORMAL SETTLEMENT IN ROME: AN EMBLEMATIC CASE

On 9 July 2014, 15 Roma families from Romania, 39 persons in total among which various children, were forcibly evicted from an informal settlement close to the Val d’Ala train station in Rome, without the provision of the procedural guarantees foreseen by international law: the imminent eviction was communicated by voice without an adequate notice, no consultations were held prior the evictions, no formal notice was issued to the families affected by the eviction *de facto* depriving them from the possibility to seek legal remedy, no compensation was foreseen for the loss of private property, no adequate alternative housing solution was offered to the families, who as a result of the eviction were rendered homeless.

The families decided to stage a protest in front of the premises of the Department for Social Policies, supported by Associazione 21 luglio and Amnesty International Italy, asking for an adequate alternative housing solution. Without any solution being offered, in the evening the Roma families decided to resettle on the same land they

⁶⁷ Another eviction was foreseen for the last inhabited section of the Lungo Stura informal settlement on 19 March 2015, but an interim measure of the European Court of Human Rights required the Italian authorities to freeze the operation until 26 March 2015 and provide further information. Like the forced eviction occurred on 26 February 2015, the operation was not formally notified to the affected persons, and an NGO (ASGI) alerted the ECtHR asking for an interim measure. The organization argued, also on the basis of the modalities characterizing the previous eviction, a violation of art. 8 (Right to respect for private and family life, given the fact that the families were residing on that land since a long period of time), art. 3 (Prohibition of torture and other degrading and inhumane treatments) and art.13 (Right to an effective remedy, arguing that Italy does not offer any means of access to an effective remedy able to freeze forced evictions before they are carried out). The information requested by the ECtHR concern which kind of measures the authorities are foreseeing in order to relocate the claimants and to protect the vulnerable individuals belonging to their families, such as minors.

⁶⁸ The conditions in the tent camp rapidly deteriorated due to the adverse climate and to the lack of hygienic facilities, with blatant impacts on the health conditions of the inhabitants. A coalition of local civil society organizations collected the medical reports of the inhabitants and documented the inadequacy of the housing solution, subsequently filing a criminal complaint against the authorities of Cosenza in relation to the sub-standard and dangerous conditions of the tent camp and their impact on the health of the inhabitants.

⁶⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 7, 20 May 1997.

⁷⁰ These kind of facilities are supposed to offer a temporary shelter as inclusion projects tailored on the families should be implemented in order to gradually allow them to reach sustainable autonomy, but most often there are no projects in place and the families remain in the segregated housing facilities for long period of times without any clear prospective concerning their future.

⁷¹ The guidelines were published as an article in a periodic thematic digest dealing with Roma issues (Quaderni LIL), see: <http://www.unar.it/unar/portal/wp-content/uploads/2014/01/LIL-3-41.pdf>.

were evicted from in the morning. The following day the 15 families were again forcibly evicted without any procedural safeguard. The families decided to stage a sit-in in front of the premises of the 3rd Rome municipality (where the settlement was located), who ordered the eviction. As a result they were offered the possibility to spend the night within the municipality premises, while other alternatives were explored. On 11 July 2014, at 22.00, after another day of sit-in and after repeated lobbying actions, involving also the Extraordinary Commission for the Protection of Human Rights of the Italian Senate, the 15 Roma families were offered an alternative housing solution in an emergency reception facility (ex Rome Fair). On 30 November 2014, after being notified one week earlier and after spending 5 days without electricity and heating system, the 15 families were repatriated on a bus with 10 euros each. On 28 February 2015, during a routine inspection in informal settlements around the Val d'Ala station, Associazione 21 luglio met the 15 families who just returned from Romania and settled in proximity of the area where they were evicted from on 9 July 2014. The authorities of Rome, in order to forcibly evict, resettle for a temporary period and then repatriate the 15 families, who now reside in the same area, spent 168.400 €. From the meetings held with representatives of the 3rd Rome Municipality in early March 2015, Associazione 21 luglio learnt about the intention of the authorities to evict the families once again.

On 9 July 2014, during the eviction M., 23 years old, said: «In recent years me and my family were evicted many times, even within very short periods of time. Police arrive, destroy our shack, destroy our tent, destroy our mattresses. Everything. And we remain with nothing, without any idea about our destiny, exactly as today». A., also 23, stated: «I couldn't even grab my clothes. I lost them during the eviction and now I have only those I am wearing».

On 14 July 2015 the same families were forcibly evicted from the same spot of land and their shelters destroyed, without any prior notice nor any formal notification. The order to evict generated from the Cabinet of the Mayor. The authorities initially offered temporary alternative housing only to mothers with children, a solution that implicated the separation of the households, which the families rejected. After four days of sit-in in front of the Department of Social Policies, on 17 July 2015 the authorities offered an alternative housing solution for all the affected persons in a Roma-only reception facility.

III. THE RIGHT TO EDUCATION (Articles 13 and 14)

In the Concluding Observations resulting from the previous monitoring cycle, the Committee on Economic, Social and Cultural Rights urged Italy to «take all the necessary measures to promote their [Roma] integration into local communities [...] and make adequate educational facilities available to their children»⁷². High dropout rates and low school enrolment continue to affect Roma children living in precarious housing⁷³, as sub-standard housing conditions and physical marginalisation seriously affect their schooling path. In 2013/2014 11.657 Roma pupils were enrolled in school, slightly more than the 11.481 registered in 2012/2013⁷⁴. Comparing the data from 2013/2014 with those related to 2012/2013, a dropout rate of more than 50% can be tracked in the passage from primary to secondary school, while a dropout rate of 95% is registered in the passage from first degree secondary school to second degree secondary school (high school)⁷⁵. According to data published by the Fundamental Rights Agency of the EU, 63% of the Roma living in Italy left school before the age of 16 and 21% never enrolled in formal education⁷⁶. In order to tackle the significant physical distance of the “authorised” Roma-only settlements from the school

⁷² CESCR, Concluding Observation of the Committee on Economic, Social and Cultural Rights – Italy, 14 December 2004, para. 45.

⁷³ The yearly report published by the Ministry of Education contains data only related to Roma children who are beneficiaries of schooling projects implemented by municipalities or civil society organizations. These kind of projects are typically implemented in Roma-only settlements, Roma-only reception facilities and consolidated spontaneous settlements, while Roma families living in conventional housing are not among the beneficiaries and therefore are not included in the data.

⁷⁴ Ministry of Education, Gli alunni stranieri nel sistema scolastico italiano, October 2014, available at: http://www.istruzione.it/allegati/2014/Notiziario_Stranieri_13_14.pdf.

⁷⁵ *Ibidem*.

⁷⁶ Fundamental Rights Agency, Roma Pilot Survey, 2011, results available at: <http://fra.europa.eu/DVS/DVT/roma.php>.

facilities, in some cases a Roma-only “special” bus service accompanies the pupils but, in order to serve all the settlements, it often arrives late and picks them up before the end of teaching hours⁷⁷.

⁷⁷ Cfr. Associazione 21 luglio, Linea 40, October 2011; Associazione 21 luglio, Figli dei “campi”, December 2013.