



ITALY

**SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION**

91ST SESSION, 21 NOVEMBER - 9 DECEMBER 2016

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First published in 2016

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: EUR 30/5078/2016

Original language: English

amnesty.org

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INTERNATIONAL** 

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1. INTRODUCTION

Amnesty International submits this document in advance of the United Nations (UN) Committee on the Elimination of Racial Discrimination's (CERD) review of Italy's 19th and 20th periodic reports¹. In this submission, Amnesty International wishes to offer updated information regarding the continuing discrimination of Roma in respect of the right to adequate housing – a matter which the organization has researched for almost a decade.²

The information provided in this document seeks to update the CERD on the current situation following previous submissions made by the organisation. In February 2012 Amnesty International submitted a Briefing to the CERD for consideration in advance of the review of Italy's 16th to 18th periodic reports.³

Based on its documentation of the treatment of Roma by the municipalities of Rome and Milan, Amnesty International considered that Italy was applying regressive laws, policies and practices resulting in the denial of adequate safeguards and protections against forced evictions; perpetuation of segregation in camps and sub-standard housing; and discrimination in access to social housing.

Regrettably, almost three years later Amnesty International remains severely concerned at the lack of progress by Italy across a range of issues to ensure Roma's right to adequate housing.

Such lack of progress is particularly disheartening as it comes nearly five years into the purported implementation of the National Strategy for Roma Inclusion (the Inclusion Strategy) which Italy adopted in February 2012, upon request from the European Commission.⁴ The Inclusion Strategy defined the roadmap for public policies between 2012-2020, whilst focusing on the gradual elimination of poverty and social exclusion amongst marginalized Romani communities in the areas of healthcare, education, employment and housing.

¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fITA%2f19-20&Lang=en

² See, among others, Amnesty International, Double standards, Italy's housing policies discriminate against Roma (Index: EUR 30/008/2013), October 2013; On the edge: Roma, forced evictions and segregation in Italy (Index: EUR 30/010/2012), September 2012; Italy's discriminatory treatment of the Roma breaches EU Race Directive: Briefing to the European Commission (Index: EUR30/011/2012), July 2012; Italy: 'Zero Tolerance for Roma' (Index: EUR 30/020/2011), November 2011; The wrong answer: Italy's 'Nomad Plan' violates the housing rights of Roma in Rome (Index: EUR 30/001/2010), March 2010.

³ Available at <https://www.amnesty.org/en/documents/eur30/001/2012/en/>

⁴ Communication on an EU Framework for National Roma Integration Strategies by 2020, COM(2011) 173.

2. DECADES OF DISCRIMINATION, WITH NO END IN SIGHT

For decades, Italian authorities have fostered residential segregation of Roma, with local and regional government persistently advancing “camps” as the only available and appropriate housing solution for Roma. In 2008, with the introduction of the so-called “Nomad Emergency”, Italian authorities targeted Roma communities with forced evictions, and pursued policies which fostered residential segregation. Such discriminatory policies persisted even after Italy’s highest administrative court, the Council of State, struck down this state of emergency in November 2011. The adoption of the Inclusion Strategy followed and was welcomed as a measure aiming at leaving the emergency approach in the past, and at advancing the protection of the rights of people belonging to one of Europe’s most marginalized communities.

However, the Inclusion Strategy proved a short-lived hope. Over recent years, our organisation, along with other national and regional NGOs, has continued to document policies and practices by Italian authorities across the country, preventing Roma from enjoying their right to adequate housing on an equal footing with the rest of the population.

Amnesty International notes a lack of leadership and political will by the national government to drive the Inclusion Strategy forward reflected in an absence of substantive actions at the national level to concretely address Roma discrimination. This ambivalence is exemplified, on one occasion – described below – by the Ministry of Interior sponsoring a local measure fostering segregation in camps.

2.1 SEGREGATED CAMPS WITH INADEQUATE LIVING CONDITIONS

As of October 2016, thousands of Romani families continue to live segregated in mono-ethnic camps set up by authorities across the country often following forced evictions. Regional and municipal regulations enable Italian authorities to construct and administer Roma-only camps, which are often located in remote areas, far away from basic services, and sometimes unsuitable for human habitation, such as near waste dumps and airport runways.⁵ Living conditions in camps are often inadequate, failing to meet international human rights standards and even national regulations on housing. Placement into camps is offered by the authorities to Roma only, often following forced evictions from informal settlements, thereby entrenching segregation from the rest of the community.

While the Inclusion Strategy promised to “overcome camps”, stating that “the liberation from the camp as a place of relational and physical degradation of families and people of Romani origin, and their relocation to decent housing, is possible”,⁶ very little action has been taken by the authorities to make this a reality. The

⁵ See for example the case of La Barbuta at p. 12 of *On the edge: Roma, forced evictions and segregation in Italy* (Index: EUR 30/010/2012), September 2012; and the case of Masseria del Pozzo, described in the Urgent Action 144/16 (Index: EUR 30/4284/2016, Roma families to be relocated to bare field, 17 June 2016.

⁶ *Strategia Nazionale D’inclusione Dei Rom, Dei Sinti E Dei Caminanti Attuazione Comunicazione Commissione Europea N.173/2011*, at 2.4.6, p. 85.

"National table on housing", established by the Inclusion Strategy to address discrimination in access to housing, is still on paper only. No national plans have been drawn up to provide for the promised process of desegregation from camps. On the contrary, in some cases authorities have even planned and/or implemented the construction of new camps as in the case of Giugliano.⁷

2.1.1 GIUGLIANO, CAMPANIA

As recently as 4 February 2016 in Giugliano, in the Campania region, the municipal and regional authorities jointly with the Prefecture of Naples and the Ministry of Interior agreed to build a new camp for the Roma who were then living in the Masseria del Pozzo camp.

The Masseria del Pozzo camp was set up by local authorities in 2013 – over a year after the approval of the Inclusion Strategy – to house Romani families who had already suffered a number of forced evictions. The camp was built by the Municipality of Giugliano in an area presenting serious health and safety concerns, due to the location's proximity to landfills stocking toxic waste. Living conditions in the camp deteriorated and the camp became uninhabitable, also due to problems with the sewage and water infrastructure. In October 2015 the judicial authority ordered the seizure of the camp and the removal by the municipality of the families. Faced with the closure of the camp, in February 2016, rather than launching a genuine consultation to identify adequate housing alternatives for the community, municipal, regional and national authorities jointly approved the construction of a new segregated camp with 44 pre-fabricated units for the Roma of Masseria del Pozzo. In the subsequent months, as living conditions continued to deteriorate, and the new camp had yet to materialize, the Giugliano municipality decided to forcibly evict the 75 Romani families of Masseria del Pozzo. The eviction took place on 21 June and involved around 300 Roma, including dozens of children. No written notice was handed to the inhabitants by the authorities, who had only provided the families with scattered information orally. Since 14 June, the families had been told by representatives of the local authorities and police that the eviction would take place on either 16 or 23 June, whereas it actually took place on 21 June.

As necessary safeguards – adequate written notice, genuine consultation of the community and provision of adequate alternative housing - had not been put in place ahead of the relocation, Amnesty International considers that the process amounted to a forced eviction.

Amnesty International acknowledges that the families needed to be urgently relocated away from Masseria del Pozzo, due to health and safety concerns. Indeed, the camp of Masseria del Pozzo should never have been built in the first place. However, the need to urgently address the situation, itself created by the local authorities who had set up the camp in an area unsuitable for human habitation, cannot justify the forced eviction, which is prohibited under international law.

Following the forced eviction, the families of Masseria del Pozzo were transferred to the site of a former fireworks factory, also near Giugliano. Very little information on the new location had been provided to them. Amnesty International delegates visited the new site on 22 June, immediately after the arrival of the families there. None of the dozens of Roma interviewed by the organization's delegates had been made aware of the new location and had been given a chance to see it before the move. Authorities presented the new site to the community as the only possible alternative, effectively asking them to agree to be moved to an unknown location or be rendered completely homeless.

The new site provided by the municipality, and where the community still lives as of October 2016, is gravely inadequate. The approximately 1000m² plot of land is on the outskirts of Giugliano's industrial area, in an enclosed site surrounded on three sides by wild vegetation and on one side by a wall with a gate. At the time of the relocation, Amnesty International delegates visiting the site noted that only two toilets were in place, one of them broken and the other in a degraded state, forcing the inhabitants to use the bushes instead, with a consequent impact on both their health and the environment. Upon arrival, the Romani families found rubble, rusty nails and leftovers from the former fireworks factory which was destroyed by an explosion in 2015. Amnesty International representatives saw one broken bag containing grey powder of unknown nature and several barrels labelled "powder" and "spontaneously combustible", as well as what appears to be asbestos in the only fragile structure still in place although badly burnt. Upon arrival, on 22 June, the inhabitants had no access to electricity and were using open fires, batteries and car lights to illuminate the place after dark. Access to water was provided through four taps which were again insufficient for the number of families in the camp. Local authorities had not provided any structures or

⁷ See Italy: Authorities placed Roma from Masseria del Pozzo in Inhumane Conditions (Index: 30/4300/2016), 24 June 2016.

facilities to shelter the families. The families who owned caravans were allowed to bring them to the new location. At least three families who did not own a caravan and lived in shacks in the old camp were left homeless and were forced to sleep in their cars or outdoors. At the time of Amnesty International's visit, people were starting to build improvised shacks with the few materials they managed to salvage from the previous camp.

The authorities indicated to the families that their relocation to the new site would be a "temporary" measure while a permanent camp was being built. According to documentation seen by Amnesty International and statements of authorities, in February 2016, the construction of a new segregated camp with 44 pre-fabricated units was approved by national, regional and local authorities. While 1.3 million Euros were designated by the Ministry of Interior and Region Campania for the prefabricated units, no funds were secured for wider integration measures as envisaged by the project.

There was also no plan to achieve the medium and long-term inclusion of the Romani community with respect to access to adequate housing. As of October 2016, to the knowledge of Amnesty International the community has not been adequately consulted for the definition of the project, and their placement in a new camp is the only option made available to them.

The authorities' plan for a new permanent segregated camp raises serious concerns and risks of further multiple human rights violations under Article 5(e) of ICERD and other treaties, representing as it does yet another example of an ethnically segregated housing project for Roma only, prohibited by international and regional law. The active involvement of the Ministry of Interior in the project, including through financial support, puts in doubt the intention of the national government to comply not only with international and regional human rights law and standards, but also with its own Inclusion Strategy.

2.1.2 LA BARBUTA, ROME

The La Barbuta camp is a further example of a large segregated camp opened after the adoption of the Inclusion Strategy. The camp, consisting of pre-fabricated containers surrounded by fencing, was built in a remote location near the airport of Ciampino, using powers granted under the state of emergency declared by the Italian government in 2008. Despite the Council of State's decision in November 2011 annulling the state of emergency and all resulting measures and decisions, the Municipality of Rome completed the construction of La Barbuta camp in 2012, and proceeded to assign housing units in the camp to Romani families only, in June 2012. These included many families forcibly evicted from the camp of Tor de' Cenci.⁸

Amnesty International, which had campaigned with local and international non-governmental organizations to stop the construction of La Barbuta and the transfer of Romani families there and for a genuine consultation with the families of Tor de' Cenci regarding alternative housing solutions, intervened with a supportive *amicus curiae* brief in the case brought by Associazione Studi Giuridici sull'Immigrazione and Associazione 21 Luglio, Italian non-governmental organizations, against the Municipality of Rome in 2012. The case aimed to have the discriminatory nature of the housing provided in the camp affirmed by a court.

In a landmark ruling, 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 segregated La Barbuta camp. The court ordered that the municipality stopped the discriminatory conduct as described in the ruling and that all adverse effects of such conduct be removed. As requested by the court, the ruling was published in February 2016 in the Italian newspaper *Il Corriere della Sera*.⁹

However, as of October 2016, Amnesty International is not aware of any action to comply with the ruling and to redress the discriminatory housing situation at La Barbuta initiated by the municipality.

On the contrary, in July 2016 under the new administration elected in June 2016, the Department for social policies, subsidiarity and health issued a tender inviting participants to identify and offer an area for the creation of yet another "equipped village" for 120 families of Romani ethnicity.¹⁰ While the tender explains

⁸ See Italy: Romani families unlawfully evicted from Tor de' Cenci camp, Rome (Index: EUR 30/017/2012), 28 September 2012.

⁹ See ASGI press release, *Discriminazione: Sul Corriere della Sera la Sentenza che Condanna il Comune di Roma*, 12 February 2016.

¹⁰ Gara a procedura aperta per il reperimento di un'area attrezzata nel territorio del Municipio Roma XV o municipi limitrofi per l'accoglienza e soggiorno di 120 nuclei familiari di etnia rom e affidamento del servizio di gestione sociale e vigilanza, available at [HTTPS://WWW.COMUNE.ROMA.IT/PCR/IT/NEWSVIEW.PAGE?CONTENTID=NEW1127449](https://www.comune.roma.it/PCR/IT/NEWSVIEW.PAGE?CONTENTID=NEW1127449), accessed on 25 October 2016.

that the area needs to be near services and residential areas to facilitate social inclusion, in the absence of further elaboration the new administration appears to be simply offering to Roma more of the same sub-standard housing they have endured to date.

3. CONTINUED DISCRIMINATION OF ROMA IN ACCESS TO SOCIAL HOUSING

Segregation is compounded by the fact that many Roma have been effectively denied access to social housing. Such denial is the result not only of lack of investment to increase the availability of affordable accommodation in line with the needs of the general population, but also of the introduction by local authorities of criteria to access social housing and other forms of housing benefits that directly or indirectly discriminate against Roma. In the face of such discriminatory actions by local authorities, treating Roma differently to non-Roma on the basis of their racial and ethnic origin, the national government has failed to take action to address these practices.

For example, in Rome, as documented by Amnesty International including in the information provided to CERD in 2013, for over a decade, a two-track assisted housing system has condemned thousands of Roma to live in segregated, sub-standard accommodation in camps on the outskirts of the city. Roma living in camps have been side-lined by allocation criteria which are impossible for them to meet to access the woefully scarce number of social housing units available to the population as a whole. Rather than being helped to leave camps, Romani families willing to move towards other forms of housing are effectively hampered by authorities.

In February 2015, the then deputy-mayor of Rome told Amnesty International that Romani families living in camps could not be regarded as being in a "housing emergency" and therefore as potential beneficiaries of the latest measures taken by that administration to counter the housing crisis of the capital, because they were not at imminent risk of eviction.

Amnesty International considered those measures to be discriminatory against Roma and in breach of Article 2(1) and 5e of the ICERD. In particular, the plan to provide housing support adopted by the Rome administration in May 2014 (*Piano d'intervento per il sostegno abitativo*) included two forms of financial contributions to people in need of housing. The first, a contribution towards rent (*contributo all'affitto*) was aimed at families who had been notified that they were going to be evicted or that they were required to leave their home for other specific reasons. Because the ordinary legal process to evict people from private accommodation is virtually never applied to Romani families evicted from camps, they were completely excluded from this benefit. The second form of financial contribution, called *buono casa*, aimed at assisting families residing in one of the 31 centres for assisted temporary housing (*centri di assistenza abitativa temporanea*, or CAAT) to access independent private housing, through contributing to paying the rent. Roma camps and the centres used for rehousing some Roma following their forcible eviction from

settlements¹¹ were however not regarded as CAAT, resulting in the exclusion of Roma from this measure too.

In addition, Amnesty International expressed concern about Deliberation 303 of the *Giunta regionale del Lazio*, approved on 14 January 2014 to identify regional funds to assist with the capital's housing emergency. This measure resulted in the creation by Rome's municipality and the Lazio Region (which includes Rome) of a parallel system to assist families in need of housing. The funds made available through this deliberation were aimed at benefiting three groups of people: a) those who had applied for social housing on the basis of the public offer of 2000 and who had not accessed it yet. This group did not include Romani families, because, as Amnesty International extensively documented,¹² the main criteria for allocation was having been lawfully notified of an eviction, which hardly ever applies to Roma living in settlements or camps; b) those residing in a CAAT as of 31 December 2013. This group did not include Roma because, as explained above, CAAT do not include Romani camps and centres for Roma; c) those unlawfully occupying a building. This group could include Roma living in some informal settlements but not the thousands living in the authorized Roma camps of the capital.

It is of concern that through the creation of this parallel system to allocate social housing, the Municipality of Rome and the Lazio Region are effectively circumventing national legislation for the allocation of social housing which includes specific criteria prioritizing people on the basis of the gravity of housing needs.

During the reporting period, discrimination in access to social housing in Rome was also directly enforced through the adoption of a circular by the Municipality of Rome, on 18 January 2013. The circular, as documented by Amnesty International, excluded Romani families residing in authorized camps from being considered "in gravely disadvantaged housing conditions", and hence prioritized for assignation of social housing.¹³ Social services in Rome, on the basis of this circular, informed Romani families seeking assistance to apply for social housing that they were not entitled to the highest number of points, in the ranking system for assignation of available housing. This advice can be expected to have led Romani families to apply on the basis of a lower number of points than what they would have otherwise been entitled to, and may have deterred some from applying altogether, as it is well known that applicants who cannot reach the top score have no real chance of ever being assigned a home. In May 2014, criticism by Amnesty International and other NGOs eventually led the Municipality of Rome to stop the implementation of the circular.¹⁴ However no action was taken to redress the negative consequences experienced by Romani families. Amnesty International is not aware of any action taken by the Italian government to address Rome municipal authorities on this matter.

The Inclusion Strategy had promised a review of national and regional legislation for the allocation of social housing to identify potentially discriminatory criteria which could exclude Roma. Amnesty International has no information as to whether such review has started.¹⁵

¹¹ In Amnesty International's experience, virtually all evictions of Romani settlements in Rome are implemented in breach of international law and standards. See below in the letter for further details.

¹² See Amnesty International, *Double standards, Italy's housing policies discriminate against Roma* (Index: EUR 30/008/2013), October 2013, pp. 30-40.

¹³ See Amnesty International, *Double standards, Italy's housing policies discriminate against Roma* (Index: EUR 30/008/2013), October 2013, pp. 30-40.

¹⁴ See *Il comune di Roma disapplica la circolare discriminatoria sugli alloggi popolari ai rom. Soddisfazione di Amnesty International*, press release, 9 May 2014.

¹⁵ *Strategia Nazionale D'inclusione Dei Rom, Dei Sinti E Dei Caminanti Attuazione Comunicazione Commissione Europea N.173/2011*, at 2.4.6, p. 91.

4. FORCED EVICTIONS OF ROMA

The Inclusion Strategy acknowledged the “excessive use” of evictions, and how these were “substantially inadequate” to address the housing situation of Roma.

Despite this, Italy has continued to evict Roma from informal settlements without the necessary safeguards, in violation of international and regional human rights obligations and in contrast to other forms of evictions carried out in Italy. Roma are also sometimes forcibly evicted from authorized camps, when authorities decide to close them down, but do not offer inhabitants adequate alternatives, or when inhabitants disobey camps’ regulations. Many of these regulations restrict Romani families’ freedoms and are not applicable to other forms of state-run housing.

Between March and September 2015, in the Municipality of Rome, non-governmental organizations documented a three-fold increase in the number of forced evictions of Roma compared to the previous year (64 operations in 2015, 21 operations in 2014). While the population of Roma living in informal settlements, according to estimates by the Department for social policies, is between 2,200 – 2,500 individuals amounting to 0.09% of the overall number of inhabitants, between 2013 and 2015 168 forced evictions affected around 4,000 Roma.¹⁶ These figures reflect the fact that many Roma are repeatedly forcibly evicted from their settlements and their shelter repeatedly destroyed.

For example, the Romanian Roma residing in the informal settlement of Val D’Ala park area were forcibly evicted on 9 July 2014, and then again on 14 July 2015, from the same location. Some of them were rehoused in a Roma-only substandard reception facility in Via Salaria. On 11 February 2016, many Romani families were forcibly evicted again from the Val d’Ala park area, and rendered homeless in adverse weather conditions. All three evictions were carried out in breach of international standards, including without a written notice.¹⁷

¹⁶ See the report by Associazione 21 luglio, an Italian non-governmental organization, Peccato Capitale, Briefing sugli sgomberi forzati di comunita’ rom a Roma in prossimita’ del Giubileo della Misericordia, at: http://www.21luglio.org/wp-content/uploads/2015/10/rapporto_peccato_12pag_italiano_webweb_2_ottb.pdf

¹⁷ See the Joint Public Statement by Amnesty International, Associazione 21 Luglio and European Roma Rights Centre, Italy: The National Strategy for Roma Inclusion: a short-lived hope for Roma in Italy (Index: EUR 30/3520/2016), February 2016.

5. CONCLUSIONS AND RECOMMENDATIONS

Over the past decade, international organizations, including the CERD, have repeatedly criticized Italy's treatment of Roma and made detailed recommendations for improvement. Yet segregation in camps, discrimination in access to social housing and forced evictions continue, as described above.

Amnesty International recommends that the Italian government:

- End the use of segregated camps and centres for Romani families in the absence of any offer of alternative housing and of a genuine consultation with those involved. No new segregated camps should be opened.
- Set out a national plan, in coordination with competent local authorities and in genuine consultation with Romani communities and civil society, aimed at achieving adequate and non-discriminatory housing for Roma currently living in segregated camps and centres. The plan should identify a range of non-segregated housing solutions for Roma, fully compliant with international human rights standards and offering a degree of security of tenure. The plan should be accompanied by a timeline and be adequately funded.
- End discrimination in the provision of adequate housing, including by reviewing and amending national, regional and municipal housing legislation, policies and practices to ensure that they comply with Italy's obligations under international human rights law. Any discriminatory obstacles for Roma and other marginalized groups to access social housing and other housing benefits should be removed (including by ensuring that eviction from a camp or settlement is considered as eviction from a private dwelling for the purposes of the allocation of social housing).
- Ensure that forced evictions immediately cease throughout Italy, including by: enacting and enforcing a clear prohibition on forced evictions through legislation setting out essential safeguards based on the UN Basic principles and guidelines on development-based evictions and displacement and international human rights law; issuing guidelines to relevant state officials and local authorities which recognize that evictions should always be carried out as a last resort after all feasible alternatives have been explored and with the safeguards required; and establishing an effective independent mechanism to monitor evictions and ensure that obligations are respected by local authorities and other actors.

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