

PUBLIC

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UA 109/09 Fear of imminent forced eviction

ITALY Around 30 people from the Sinti community in the village of Gambolo'

Around 30 people belonging to seven families from the Sinti community in the village of Gambolo' in the province of Pavia, are facing an imminent forced eviction. On 14 April, the Mayor of the village issued an order for them to leave by 30 April or be forcibly evicted.

The Sinti are a Roma group who have lived in Italy for centuries. The seven families, who are Italian citizens, live on the outskirts of the village of Gambolo' in caravans. Although not in an authorized settlement, the large majority of them have been legally resident in the same site in Gambolo' for many years and their children attend local schools. The authorities have not provided alternative accommodation, and should they have to leave, their children's education will be seriously disrupted, as would the adults' ability to earn a living.

Prior to the last municipal elections on April 2008, the then Mayor reportedly pledged to build a regular settlement for the seven families, according to Regional Law 77/1989, which obliges the Municipal authorities to house and integrate Roma and Sinti families who chose to reside in their territories. However, the new Municipal government, which reportedly gathered part of its popular support prior to the elections due to its promise to eject all Roma and Sinti out of Gambolo', scrapped the project and the plans to find a housing solution for the families.

On 15 December 2008, the families were issued a first eviction order by the Mayor which gave them until 15 January 2009 to leave. The day before this was due to take effect, on 14 January, the order was suspended by the Administrative Tribunal. On the same day, however, the Mayor issued a new order overruling her previous one and indefinitely postponed plans for a forced eviction.

On 14 April 2009, a second eviction order was issued which gave the families until 30 of April to leave. This was despite press reports which had indicated that the authorities would offer an alternative solution by 15 June 2009. Prior to and after the first eviction order in December 2008, NGOs had tried to negotiate for an agreement for an alternative housing solution with the Municipal authorities and the Prefetto of the Pavia Province (the representative of the national government in the territory). However it appears that no workable proposal has been so far put forward by Municipal authorities.

BACKGROUND INFORMATION

Forced evictions of Roma and Sinti communities have been routinely carried out for at least 10 years, but their frequency and impact seem to have increased since 2007.

Communities affected include those who live in unauthorized settlements and, in some instances, those with a legal title to live in authorized settlements. Both Roma and Sinti with Italian citizenship and those with EU or other nationality have been adversely affected.

Many of them, forced to find some form of alternative shelter, at very short notice, in unauthorized areas, have been subjected to repeated forced evictions.

Very often forced evictions are carried out at short notice, without any prior consultation with communities on alternatives to eviction or provisions for alternative accommodation. Many evictions are carried out even

without a formal notice or order. Those which are carried out with a formal procedure often fail to be appropriately justified on the grounds of domestic law. Lack of formal order and the short advance notice may impede opportunities for access to courts to try and stop the eviction.

Members of evicted families often lose their jobs and livelihoods. Children are forced to move away from schools often in the middle of the school year; their education may thus be severely affected.

The obligation of States to refrain from, and protect against, forced evictions from homes and land arises from several international legal instruments. These include, but are not limited to, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), article 5 (e) of the International Convention on the Elimination of all Forms of Racial Discrimination, the European Social Charter and others.

Article 17 of the International Covenant on Civil and Political Rights states that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”, and further that “[e]veryone has the right to the protection of the law against such interference or attacks”.

Forced evictions, thus, constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, and freedom of movement. Evictions must be carried out only in exceptional circumstances, and if so, in full accordance with relevant provisions of international human rights and humanitarian law.

Italy is a party to all the above treaties and has a legal obligation to implement them.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Italian, English or your own language:

- urging the Italian authorities to stop the planned forced eviction of the Sinti families from the village of Gambolò’;
- reminding them that forced evictions grossly violate a range of human rights, in particular, the right to adequate housing and that they are permitted under international law only as last resort, and in full compliance with the guarantees required under regional and international human rights standards;
- urging them therefore to ensure that evictions are carried out only after all feasible alternatives have been explored, including through genuine consultation with those directly affected; to provide to them adequate and reasonable prior notification; to guarantee that the right to legal redress, including to challenge the order in court and to receive legal aid can be effectively exercised; to provide adequate alternative accommodation, to be decided in consultation with affected communities; and to ensure no ill-treatment during the eviction.

APPEALS TO:

Mayor of Gambolò

Avv. Elena Nai
Comune di Gambolò
Piazza Cavour 6
27025 Gambolò (PV)
Italy

Email: e.nai@comune.gambolo.pv.it
Fax: +39 0381 939502
Salutation: Egregio sig. Sindaco/Dear Mayor

Prefetto

dott. Ferdinando Buffoni
Prefettura di Pavia
Piazza Guicciardi n. 1
27100 PAVIA, Italy

Email: urp.pref_pavia@interno.it
Fax: + 390382 512476

Salutation: Egregio sig. Prefetto/ Dear Prefetto

COPIES TO: diplomatic representatives of Italy accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 June 2009.