

THE WRONG ANSWER

ITALY'S 'NOMAD PLAN' VIOLATES THE
HOUSING RIGHTS OF ROMA IN ROME

HOUSING IS A
HUMAN RIGHT

AMNESTY
INTERNATIONAL



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Thousands of Roma living in Rome, Italy, face the threat of multiple human rights violations as the result of the 'Nomad Plan', a new plan to close down many of the Roma camps in the city.

The "Nomad Plan" is the first scheme to have been developed using special powers provided by a Presidential decree which declared a "Nomad Emergency" in May 2008. It paves the way for the forced eviction of thousands of Roma and the resettlement of most, but not all of them, in new or expanded camps on the outskirts of Rome.

There has been no genuine consultation with the Roma affected by the plan. Those who are entitled to be resettled will only be offered accommodation in other camps – not in the permanent housing in which many Roma aspire to live. They will have no choice about which camp they are sent to. Many are worried that their employment prospects and their children's schooling will suffer as a result of their relocation. And these are the lucky ones. The rest will not be provided with any alternative accommodation. Some will leave Rome, while others will find shelter as best they can, where they can – until they are moved on again.

Over the next few pages, you will read three stories about three families with one aspiration: to live with dignity.

MARGINALIZED, EXCLUDED

Most independent estimates put the number of Roma living in and around Rome at between 12,000 and 15,000. Around 3,000 of these are Italian Sinti, who have long roots in the country. The rest are more recent arrivals. Since the 1960s, many

Roma have arrived from the former Yugoslavia. A large proportion of these now have residence permits, and many of their children are Italian citizens. Over the last decade, a significant number of Roma have also arrived from the new European Union member states, in particular Romania.

While a few thousand of the Roma in Rome live in permanent accommodation, the majority live in different kinds of camps. Some are "authorized" and maintained by local authorities; some are "tolerated" and supported by the Commune of Rome to varying degrees. Most are irregular settlements which consist of hastily constructed shacks. Although some Roma have said that they would find it acceptable to live in camps, provided the housing was solid and the tenure secure, most of the Roma interviewed by Amnesty International would prefer to live in conventional accommodation – if they could access it.

However, such accommodation is effectively beyond their reach because the majority of Roma find themselves trapped in a vicious cycle of discrimination and marginalization. Facing widespread discrimination in the labour market, few can find steady employment that would enable them to pay regular rent. And because they are unable to access private housing, many Roma are also de facto excluded from Rome's limited stock of social housing because access to it is conditional on prior expulsion from private accommodation.

As long as they live in camps, without an official address, or with an address that marks them out as Roma, finding employment will continue to be difficult. As a result, most Roma are left to eke out a living as best they can, mostly through recycling scrap metal or as casual labourers. Although the Commune of Rome invests considerable resources in facilitating Romani children's access to school, many of those children are discouraged from completing their studies by the slim chances of finding regular employment; as a result, skill levels and the possibility of integrating into Italian society are reduced still further.

WHAT ARE 'FORCED EVICTIONS'?

A forced eviction is the removal of people against their will from the homes or land they occupy, without such legal protections and other safeguards as genuine consultation with those affected and the offer of adequate alternative housing, regardless of whether they rent, own, occupy or lease the land or housing in question.

Not every eviction that is carried out by force constitutes a forced eviction. If the appropriate safeguards are in place, a lawful eviction which involves the use of force does not violate the prohibition on forced evictions.



The exclusion of most Roma from regular employment and ordinary housing keeps them, quite literally, on the margins of society – in camps on the edges of built-up areas. The resulting social conditions reinforce the prejudices that further fuel discrimination. And so the cycle continues. Tensions with neighbouring residents and the majority population are often the result.

Indeed, the situation of the Roma has become an important electoral issue at both local and national levels. The “Nomad Plan” is the government’s response. A comprehensive plan to address the underlying problems and human rights violations that the Roma face would be welcome and to the benefit of all. Unfortunately,

Romanian Roma in Via Centocelle camp, Rome, September 2009.

the design and aims of the “Nomad Plan” reflect only the concerns expressed by members of the majority population, without taking the rights of the Roma into account.

THE 'NOMAD PLAN': NOT ALL ROADS LEAD TO ROME

The "Nomad Plan" was launched on 31 July 2009 by representatives of the Commune of Rome and the Prefect of Rome, who is also the Extraordinary Commissioner for the "Nomad Emergency".

Prior to its adoption, a census was carried out in Rome. Although widely considered to be incomplete, it identified around 7,200 Roma living in camps across the city. Of these, 2,220 were recorded as living in seven "authorized camps" (*campi autorizzati*) and 2,750 in 14 "tolerated camps" (*campi tollerati*). A further 2,200 were recorded as living in approximately 80 "unauthorized camps" (*campi abusivi*).

6,000 ROMA, 13 CAMPS

The "Nomad Plan" is a scheme for relocating 6,000 of these Roma in 13 camps, which it refers to as "villages". The seven existing "authorized camps" will be maintained or expanded; three "tolerated camps" will be restructured; and two new camps and one "transitional structure" (*struttura di transito*) will be built. The plan was scheduled to be implemented by June 2010 but is already experiencing delays.

Amnesty International believes that the "Nomad Plan" will result in a range of human rights violations. Italy is obligated under several international human rights treaties to refrain from and prevent forced evictions. Evictions should only be carried out as a last resort and with appropriate procedural safeguards. These include: genuine consultation with those affected; reasonable notice; and access to legal remedies. Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they own, occupy or lease the land or housing in question. Evictions must not render individuals homeless or vulnerable to the violation of other human rights. In its

current form, the plan does not comply with these requirements. It also fails to meet Italy's obligation to ensure that there is no discrimination against particular groups or segregation in housing.

These safeguards are legal requirements but they are also essential to ensure that the situation of the Roma is not worsened, but is improved by the "Nomad Plan". As it is currently constituted, many Roma who are currently living within Rome will be pushed further out, reducing their access to employment and essential services even more. Many of the "villages" may also be more isolated as a result of insufficient or even a complete lack of public transport. Many Roma whom Amnesty International spoke to are also concerned that their children's schooling will suffer, since they will be forced to change schools, or travel

even further each day to reach one. Many Roma are consequently reluctant to move. They are also fearful that they will be resettled in camps without regard for their extended family ties or national origins, and that tensions with other residents will result.

ELIGIBILITY CRITERIA

Another concern is the eligibility criteria for a place in one of the 13 camps. Official documents refer only to "those having the right" to a place but don't define who they are or what will happen to the rest.

Contrary to initial indications that the eligibility criteria would be based on authorized residence in Italy, Amnesty International was informed by the implementing authorities that the criteria to determine who has access to the "villages" would be based on good conduct – for instance, whether or not they

THE NATIONAL CONTEXT

Since 2007, the Italian authorities have taken a number of discriminatory measures that have contributed to the stigmatization of Roma living in the country. Forced evictions have become more frequent in recent years, particularly since special security agreements (*Patti per la Sicurezza*) were concluded between the national government and various local authorities, including, on 18 May 2007, that of Rome. As a result of these special agreements, some powers were transferred from the Ministry of Interior to the local authorities. The aim was to address perceived security threats, including those supposedly posed by the presence of Roma communities in these cities.

In May 2008, using a 1992 law enacted to provide for emergency powers in case of natural disasters, a Decree by the President of the Council of Ministers (DCPM, 21 May 2008) conferred special powers on the Prefects (permanent representatives of the national government in a particular territory)

for one year, in order to solve the so-called "Nomad Emergency" declared in three regions (Lombardy, Campania and Lazio). The decree (which was subsequently extended by the DCPM to 28 May 2009) gave the Prefects powers to derogate from a number of laws. In May 2009, the state of emergency was geographically extended to two more regions (Piamonte and Veneto). The powers can be exercised against people of any nationality who are deemed to be "nomads", and disproportionately affect Roma.

THE 'NOMAD EMERGENCY' IS NEITHER ABOUT 'NOMADS' NOR AN 'EMERGENCY'

The consequences of the incorrect use of these terms are not merely semantic. If all Roma are treated as nomads, the solutions will be solutions designed for nomads. Similarly, discriminatory measures can be concealed under the guise of an "emergency". The "Nomad Plan" is an example of this.

had been involved in criminal activity. It is unclear whether this refers to a criminal conviction or whether mere criminal charges would be sufficient to deny a person a place in one of the new camps. Either way, the right to adequate housing is a basic human right, which cannot depend on past behaviour. Rendering people homeless on account of previous criminal activity would amount to a double punishment. The application of such criteria would result in obvious injustices and would violate Italy's obligations to guarantee the equal enjoyment of the right to adequate housing and non-discrimination.

THOSE LEFT BEHIND

And what about those left behind? As highlighted above, under international human rights standards, Italy is obligated to ensure that evictions do not render individuals homeless or vulnerable to the violation of other human rights. There are real concerns that this is precisely what will happen to the 1,200 Roma who are going to be left out. Protection against forced evictions and the right to adequate housing applies to everyone, irrespective of their status. Some of these 1,200 people may be irregular migrants, who no longer have a legal basis for remaining in Italy. While the authorities can initiate deportation proceedings against people in this situation, they are prohibited from using forced evictions as a punitive measure or to force people to leave the country.

LACK OF CONSULTATION

A striking feature of the way the "Nomad Plan" has been introduced is the almost complete lack of consultation with the people affected. Several weeks after its presentation in July 2009, most Roma interviewed by Amnesty International had not heard of the plan, although some had heard vague rumours about it. None knew how the "Nomad Plan" would affect them personally. Neither Roma organizations nor NGOs working with Roma participated in

the elaboration of the plan. Without such consultation, it is hard for even the best-intentioned policy to achieve its aims.

Most of the Roma interviewed by Amnesty International stated that they would prefer to live in ordinary accommodation. The "Nomad Plan" does not provide for this possibility, not for those who have lived in Italy for decades, and whose residence papers are in order, nor even for Roma who are Italian citizens. They are given only two alternatives: to transfer to another camp or to be homeless. Indeed, the very title of the plan betrays the ignorance and prejudice at its heart, since the vast majority of the Roma who will be affected by it are not nomadic at all; they have never been nomadic – not even in their countries of origin – and do not aspire to living in camps.

NO ACCESS TO SOCIAL HOUSING

As noted above, Roma can rent or buy private accommodation and apply for social housing, but both are extremely difficult to acquire in practice. In particular, it is virtually impossible for Roma living in camps to gain access to social housing. One criterion for the allocation of social housing in Rome, under the current points system, is prior eviction from private accommodation (technically called *sfratto*). Roma who have only ever lived in camps (including Italian Roma) are, as a result, de facto excluded from accessing social housing. This creates a situation of indirect discrimination against Roma, since the effect of the formally neutral requirement is to disadvantage them disproportionately. Unfortunately, the "Nomad Plan" does nothing to facilitate the access of Roma to social housing. It is particularly incongruous that forced evictions from "authorized" and "tolerated" camps are not treated as equivalent to expulsions from private sector accommodation for the purposes of determining access to social housing.

THE RIGHT TO ADEQUATE HOUSING ACCORDING TO INTERNATIONAL HUMAN RIGHTS LAW

The right to adequate housing, which includes the right to be protected against forced eviction, is guaranteed in several international human rights treaties. These include, but are not limited to, the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 11, para 1), the International Covenant on Civil and Political Rights (Article 17), the Convention on the Rights of the Child (Article 27, para 3), the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5 e), the revised European Social Charter and others.

Italy is a state party to all these treaties and has a legal obligation to implement them.

The UN Committee on Economic, Social and Cultural Rights has emphasized that "the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or which views shelter exclusively as a commodity. Rather, it should be seen as the right to live somewhere in security, peace and dignity."

REAL LIVES

The "Nomad Plan" will affect thousands of Roma in many different ways. The depth of concern about it can be best understood through the voices and stories of individual Roma.

MARÍA DUMITRU AND
MARIUS ALEXANDRU

María Dumitru and Marius Alexandru are 28-year-old Roma of Romanian origin, who have three small children. Since they arrived in Italy in 2004, they have been forcibly evicted from camps five times, without ever having been offered any kind of alternative accommodation. On 11 November 2009 they endured their latest forced eviction from an unauthorized camp near Via Centocelle in Rome. They are now living in a squat nearby.

"We came to Italy six years ago to earn some money but we [still] do not have any," says María. "We first went to Ponticelli camp, in Naples, but after a while the police evicted us. They told me that if they saw me again in that area, they would take my kids away from me and put them in an orphanage."

They had similar experiences in Caivano (Naples) and in a camp near via Cristoforo Colombo (Rome). "The police destroyed everything," says Marius. In the early months of 2008 his family settled in Via Centocelle camp and in April the same year they were evicted, although they came back immediately. Since his most recent eviction, Marius says: "Now we will sleep in the street. What can we do? ... we have been in seven different camps in five years. It is difficult, very difficult."

Before their recent eviction, María talked about their life: "I am a bit ashamed because my husband scavenges for iron and copper in the rubbish to sell, and earns a little bit of money. So we can buy food. He also gets clothes from the rubbish because we do not have money to buy them at the shop. It is only thanks to him that we have something to eat. If it was not for him, we would live on the street." Marius says simply: "I would like to do what I can do."

**'I WOULD LIKE TO LIVE IN A
BETTER PLACE, WHERE ANY
HUMAN BEING COULD LIVE.'**

María Dumitru



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María adds: “This is his job. We sell this and we eat. If there is not iron, we do not eat... We have to pay for the school as well; when the teacher tells us to buy exercise books, pens... we end up paying something like €5.”

Neither of them had heard about the “Nomad Plan”. After it was explained to her, María said: “It is not good... we do not want to move our children to another school... Ionut, 7, is the oldest of the three children and goes to school; Florin is just two years old and Andrea Ionica is four. She will be going to kindergarten; she is enrolled already but she is on the waiting list. But Andrea Ionica sees children going to school in the morning and she always says she would like to go as well. We do not want to move to a place where this school would be far away. The teacher suggested that we should not send Ionut to

another school, because he has his friends here and he feels good here.”

Finally, María reflects on her past and talks about the future. “We had children early, but I do not want my children to do the same. I want them to go to school and be able to find a job. I would like them all to have a better life than the one I had.”

left: María and Marius with their daughter in Via Centocelle camp, Rome, September 2009. Their home was demolished two months later.

above: Shacks in Via Centocelle camp, Rome, before they were demolished in November 2009.

'I AM NOT ASKING FOR THE MOON.'

Saltana Ahmetovich (Nino)





SALTANA AHMETOVICH (NINO)

Saltana Ahmetovich (Nino) is a 30-year-old Italian Roma. He was born in Italy and has lived all his life in camps. His parents, originally from Montenegro, arrived in the country in 1969 and have lived in Milan, Naples and, finally, Rome, where most of his family settled in 1979. Since 1996, Nino has lived in a caravan in La Monachina, a “tolerated” camp in the west of the city.

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Nino looks back to his move to La Monachina camp in 1996. “We were in Battistini [a nearby camp] but we were at risk of being burnt alive; some people threw Molotov cocktails at us because they did not want us to be there as we were close to residential buildings. Police and fire brigades arrived and told us to join our relatives at La Monachina. Before that we lived in several camps in Milan and Naples... the police used to come and evict us because we were occupying public land, and then we were moved to another camp.”

“I now live in a caravan... but when we came to La Monachina we had nothing... myself, my brother-in-law and a friend constructed a house for my mother, my sister and my niece... Every three years we have to demolish it and build it again because it gets rotten.”

Nino has had a variety of jobs, but has struggled to find anything permanent. He is worried about his current situation.

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“My first work was in a church, cleaning... Then I left that job and started looking after an elderly person. But eventually the person I was looking after died... After that, I sold plants [and] iron. Between September 2008 and November 2009 I cleaned a park nearby. I got the job through a government sponsored employment programme. That’s ended. Now I sell iron but I am not getting enough money. How will I survive? What I am going to do?”

“I would like to rent a flat... but with what money? Who will give me the money to pay for it?... My mother applied for social housing but she has never been given [accommodation] because she never got enough points. I haven’t applied for social housing because it would be useless. If I say: ‘My name is Saltana Ahmetovich, I live in La Monachina,’ the municipality would never give a house to me. I have requested electricity, and they don’t even want to connect that... imagine a house!”

On being told about the “Nomad Plan”, and that La Monachina is not one of the “tolerated” camps that is scheduled for restructuring, Nino replies: “Why won’t this camp be restructured? We are Italian, I vote. I do not want to stay here any more. I want a house. I want a bath. I want heating... I am not asking for the moon.”

left: Saltana Ahmetovich (Nino) and family in Monachina camp, Rome, September 2009. *above:* Nino's trailer in Monachina camp, Rome, September 2009.

ISMET ABAZ AND ELPIDA ABAZ

Ismet Abaz, aged 34, and Elpida Abaz, aged 33, are Macedonian Roma, who came to Italy in 1991. Both have residence permits. They have four children. Having lived in numerous camps, in 2000 they settled in Tor de Cenci, a “tolerated” camp in the south west of Rome; this was previously categorized as an “authorized” camp, until its recent administrative reclassification. For the last seven years, Ismet has worked as a driver for a schooling project for Roma children run by a local NGO. He has applied for social housing but has never had enough points to qualify.

Ismet says: “It is a shame that we are still living in a camp in these conditions. Our children are growing up and we do not want to continue living in such conditions. We arrived here in 2000... the police took us here after evicting us from the [old] Casilino 700 camp [in Rome].”

“Since then, I have always lived in this container... I tried to find a job in Viterbo, however there was not much work so I was going back and forward... I have also worked in Parma. I used to unload goods in a market. I got my first permanent job here, in Rome, working for this organization in the schooling project, but I only work three hours a day, so I cannot survive on this. I work where and when there is any work. I like working... I sell iron and I also work as a mechanic.”

Ismet does not earn enough to rent a flat and he does not qualify for social housing. “I applied to live in social housing five years ago but I did not have enough points,” he says. “We do not want our children to get ill because of the poor living conditions in the camp. All our children go to school. However... their classmates do not want to come here, and our children are embarrassed to invite them here... My oldest daughter says she is Brazilian because she is ashamed to admit she lives in this camp. Some people know where she lives and do not accept it.”

What will the “Nomad Plan” bring for Ismet and Elpida’s family? They have not been informed or consulted about it. Ismet has only heard rumours “that the government wants to move everyone into a bigger camp”. He is concerned that his family will be moved to a camp with other Roma whom he will not get on with. “They will put us with another group of people we do not know. This is wrong.” He is adamant that, if this happens, he will not go, saying: “I prefer to go and sleep in the street.”

What would he really like? “I want a house and a job. I do not wish for anything else.”



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right: Ismet and Elpida Abaz with two of their children in Tor de Cenci camp, Rome, September 2009.

above: Containers – homes to Roma people – in Tor de Cenci camp, Rome, September 2009.

'WE ALWAYS DREAM THAT OUR CHILDREN WILL HAVE A HOUSE TO LIVE IN SO THEY WILL NOT BE CALLED GYPSIES ANY LONGER AND WILL BE TREATED LIKE ANYONE ELSE.'

Elpida Abaz



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CONCLUSION

The "Nomad Plan" is poorly conceived. It will not resolve the social problems that prompted it, nor ensure the enjoyment of the right to housing for most of the Roma people who are affected. It is true that the quality of the accommodation and greater access to utilities in the new camps would offer an improvement in living conditions for many of the Roma currently living in "tolerated" and "unauthorized" camps.

Even so, many are reluctant to be moved because they fear poor relationships with new neighbours, loss of livelihood and disruption to their children's schooling. For many, the question remains: why will we be housed in yet another camp? And those who will not even be offered a place face an even more serious question: what will happen to us next?

In its current form, the "Nomad Plan" should not be implemented. A proper plan,

which results from genuine consultation with the Roma who are affected, and which has respect for their human rights at its core, urgently needs to be developed. Unless it is constituted on this basis, it has no chance of success.

cover: A container in Tor de Cenci, Rome, which is home to the Abaz family, September 2009.
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TAKE ACTION NOW

Call on the Extraordinary Commissioner for the Nomad Emergency and the Mayor of Rome to:

On the "Nomad Plan"

- Revise the "Nomad Plan" and postpone its implementation until those affected by it have been properly consulted.
- Immediately establish a process through which Roma communities and relevant civil society organizations are consulted about the revision of the "Nomad Plan".
- Ensure that a revised plan provides adequate housing solutions for all Roma affected.
- Ensure that a revised plan respects the right to adequate housing as defined by Article 11, para 1 of the International Covenant on Economic, Social and Cultural Rights, and is consistent with Italy's obligations to guarantee non-discrimination and to prevent segregation in housing.
- Ensure that the right to freedom of movement is respected in compliance with international human rights laws and standards.

On forced evictions

- Immediately cease all forced evictions.
- Ensure that evictions are carried out only as a last resort, and only in full compliance

with the guarantees required under regional and international human rights standards.

- Respect the rights of all victims of forced evictions to an effective remedy, including access to justice and the right to reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

Regarding María Dumitru and Marius Alexandru

- Ensure that their family is provided with adequate housing as a matter of urgency.
- Ensure full compensation for all possessions lost when they were forcibly evicted on 11 November 2009.

Regarding Saltana Ahmetovich (Nino)

- Ensure that he is not forcibly evicted.
- Ensure that he is consulted on the possible provision of alternative accommodation.
- Ensure that he enjoys effective access to social housing.

Regarding Izmet and Elpida Abaz

- Ensure that the family are not forcibly evicted.
- Ensure that they are consulted on the possible provision of alternative accommodation.

- Ensure that they enjoy effective access to social housing.

PLEASE WRITE TO:

The Extraordinary Commissioner for the Nomad Emergency in Rome

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for everyone to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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