

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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AMNESTY INTERNATIONAL V. ITALY: A VICTORY FOR THE ROMA

Guided by its research and campaigns to advance the rights of the Roma, Amnesty International filed its first ever collective complaint in 2019 to the Council of Europe's European Committee of Social Rights ('the Committee'). The complaint sought accountability and redress for the precarious living conditions and persisting violations of the Roma's rights in accessing housing in Italy.

Amnesty International submitted that the Roma faced forced evictions, lived in segregated and substandard housing with unequal access to social housing, including due to the application of discriminatory criteria for the allocation of social housing. Further, that at the time of filing the complaint in 2019, approximately 26,000 Romani communities lived in isolated camps that are either authorized or tolerated, or in informal settlements outside the major cities where they are perpetually vulnerable to forced evictions. Amnesty International explained that these camps have inadequate living conditions and lack infrastructure or essential services such as drinking water, sanitation, electricity, heating, and others. Responsible authorities have failed to take any steps to end the segregation and in fact forcibly rehouse the Roma in camps.

Amnesty International submitted that Italy is in breach of its obligations relating to non-discrimination read in conjunction with the right to housing with respect to the experience of the Roma. The complaint, which drew on years of research on the housing situation of the Roma conducted by Amnesty International and partners, such as Associazione 21 Luglio, an Italian NGO,¹ documented serious violations against the Roma in the enjoyment of their right to adequate housing in Rome, Milan and Naples, perpetrated by the Italian authorities.²

On 4 July 2019, the Committee declared the complaint to be admissible. The Committee noted that the undertaken evictions left the Roma exposed to homelessness and/or unacceptable living conditions, placing them at serious risk and causing them irreparable harm. On its own initiative, the Committee indicated interim measures instructing Italy to provide accommodation to certain families who were evicted from a settlement close to Giugliano near Naples.³ Italy did not implement the immediate measures indicated by the Committee.

Having examined the allegations made by Amnesty International in its complaint, the Committee unanimously held that Italy breached the European Social Charter's obligations relating to the right to

¹ Associazione 21 Luglio – Diritti umani e benessere dei bambini. A fianco di chi vive la discriminazione.

² See The wrong answer: Italy's Nomad Plan violates the housing rights of Roma in Rome, Amnesty International Index: EUR 30/001/2010; Italy: 'Zero tolerance for Roma' – Forced evictions and discrimination against Roma in Milan, Amnesty International Index: EUR 30/022/2011; On the Edge: Roma, Forced Evictions and Segregation in Italy, Amnesty International Index: EUR 30/010/2012; Double Standards: Italy's Housing Policies Discriminate against Roma, Amnesty International Index: EUR 30/008/2013; attached at Annex 4, in addition to press releases, public statements and blogs available at <https://www.amnesty.org/en/search/?q=Italy+roma&sort=relevance>

³ Amnesty International v. Italy, Complaint No. 178/2019, Decision on the Merits, (hereafter Committee Decision) Adoption on 18 October 2023, Notified on 12 January 2024 and Publicized on 13 May 2024, Para 38 – 39.

housing of Romani communities. The Committee recommended that Italy take steps to address the current discriminatory housing policies to ensure the right to housing of the Roma.

VIOLATION OF THE RIGHT TO HOUSING AND NON-DISCRIMINATION

Guided by Article 31 of the Charter, which mandates States Parties to take action that prevents persons in vulnerable situations from becoming homeless, the Committee explained that in such situations, state parties have an obligation to not just ensure that evictions are justified, but also respect the dignity of the persons concerned, and ensure that alternative accommodation is available to avoid causing homelessness.⁴

The Committee explained that the right to housing is connected to the prohibition of both direct and indirect discrimination. In doing so, it affirmed that racial discrimination is a ‘particularly invidious kind of discrimination’ which requires state parties to be especially vigilant and vigorous in their actions. Further, the Committee highlighted that the Romani community are particularly disadvantaged and vulnerable and therefore require specific responses to guarantee their rights. Instead, they have been subjected to forced evictions in Italy and on many instances without alternative accommodation being offered and made available.⁵ The Roma continue to live in “camps” with poor living conditions which the Committee considered to be discriminatory.⁶ The Committee also noted the “special units” of the municipal police in Rome and Turin who target “nomads,” a non-ethnic and discriminatory term used in practice to refer to Romani people.⁷

The Committee recognized that forced evictions of the Roma have continued even after the adoption of the National Strategy for the Inclusion of Roma, Sinti and Caminanti in 2011. In addition, the Committee explained that despite the adoption of the Government Decree No. 34 / Law No. 77/2020 which suspended evictions throughout Italy, forced evictions of Romani families remain a current practice, and even occurred on some occasions during the Covid-19 pandemic.⁸ The evictions, the Committee found, are done without offering on a systematic alternative accommodation and access to standard housing.⁹ The forced evictions target the Roma directly as vulnerable communities and therefore Italy had failed to take due and positive action aimed at addressing their specific challenges and had failed to ensure effective remedies in cases of forced evictions.¹⁰ The Committee also found that because of the discriminatory housing practices complained of, the Roma are stigmatized and remain marginalized, which violates their right to equal treatment. As a result of these findings, the Committee held that Italy violated Article E read in conjunction with Article 31§2 of the Charter.

VIOLATIONS DUE TO THE PERPETUATION OF SEGREGATED AND SUB-STANDARD HOUSING

State parties have the duty to guarantee everyone the right to adequate housing. The Committee explained that housing is adequate if it is safe in terms of sanitary and health conditions, has basic amenities including water, heating, waste disposal, sanitation facilities and electricity, is structurally secure and not overcrowded, and provides security of tenure. The state must take legal and practical measures necessary and adequate to protect the right to housing effectively and equally, within a reasonable time and to make measurable progress consistent with its maximum use of available resources. The Committee explained that state parties must be aware of the impact their choices on rights will have on vulnerable groups and others affected.

The Committee recalled its past decisions with respect to Italy on this issue and reiterated that the state is not complying with its obligations under the Charter because of the continuing inadequate living conditions of Romani camps and similar settlements. The Committee found that even if progress is being made at local levels to find housing solutions for the Roma, Italy had no coherent and coordinated national approach towards inclusion and therefore the segregation of Romani communities persisted, with many Romani families still living

⁴ Ibid, Para 67.

⁵ Ibid, Para 69 – 70.

⁶ Ibid, Para 75.

⁷ Ibid, Para 74

⁸ Ibid, Para 75.

⁹ Ibid. Para 76

¹⁰ Ibid.

in substandard and segregated housing across Italy contrary to Article E read in conjunction with Article 31§1 of the Charter.

VIOLATIONS DUE TO LACK OF EQUAL ACCESS TO SOCIAL HOUSING

Italy submitted that the situation of the Romani community has changed in relation to access to housing benefits and alternative ways to provide accommodation for those in need. In response, the Committee recalled the concerns of the United Nations Committee on Economic, Social and Cultural rights on the exclusion of the Roma from social housing and the Committee on the Elimination of Racial Discrimination on local authorities' introduction of criteria for allocating social housing and other housing benefits which discriminated against the Roma.

The Committee found that the information provided by the state indicates that financial resources have indeed been allocated by the Italian authorities to specific initiatives and projects aimed at improving access to social housing for the Roma. However, the Committee was of the view that the impact of such investment on effectively and significantly improving access of the Roma to social housing without discrimination had not been demonstrated. As a result, the Committee held that the continued segregation of the Roma in camps without any access to social housing is contrary to Article E read in conjunction with Article 31§3 of the Charter.

Having conducted its examination, the Committee concluded unanimously that there was a violation of:

- Article E of the Charter read in conjunction with Article 31§2 of the Charter as regards the continuation of forced evictions particularly affecting the Romani community;
- Article E of the Charter read in conjunction with Article 31§1 of the Charter concerning the segregated and sub-standard housing;
- Article E of the Charter read in conjunction with Article 31§3 of the Charter concerning the lack of equal access to social housing for Roma.”¹¹

During the last two decades Italy was found to be in breach of its human rights obligations with respect to the Romani community on numerous occasions by various United Nations, European Union, and Council of Europe human rights bodies.¹² Like its previous decisions, the Committee's decision confirms lived realities of the Romani community in Italy who have and continue to face widespread, systemic, and long-standing discrimination and unequal treatment in accessing housing.

States parties to the Charter have an obligation to implement the decisions and cooperate with the Committee's decisions in collective complaints. State parties also have an obligation to implement immediate measures indicated by the Committee since such measures are necessary to avoid irreparable injury or harm to right holders. Italy must now take steps not only to ensure adequate, non-segregated and non-discriminatory housing for the Roma, but to also provide remedies, enabling some form of long-awaited justice for those who have experienced discrimination and segregation. The urgency and necessity for Italy to take such measures cannot be stated enough especially when more than 15,000 Romani people are still living in formal and informal settlements and continue to experience ethnically segregated and discriminatory living conditions in substandard homes.

This decision has the important potential to finally put an end to decades of discrimination that the Roma have and continue to live with. We hope that Italy finally heeds the call for justice and takes effective, specific, and timely actions to address the situation of the Roma.

BACKGROUND

The European Committee of Social Rights is a Council of Europe body that monitors compliance with the European Social Charter under two separate procedures namely (1) the collective complaints procedure and (2) State Reporting. The collective complaints procedure is a human rights protection system for social and

¹¹ Committee's Decision, (coe.int)

¹² A comprehensive overview of such decisions by international human rights bodies, including two past decisions of the European Committee of Social Rights are available in the complaint submitted by Amnesty International at paras. 36 to 54, 168093aac2 (coe.int)

economic rights enshrined in the Social Charter. It complements the judicial protection of the European Convention on Human Rights for civil and political rights.

The decision of the Committee, the collective complaint submitted by Amnesty International and the responses by the Italian government are available [here](#).

Regularly updated information about the Roma living in formal and informal settlements, maintained by Associazione 21 luglio, who greatly contributed to the filing of the complaint, is available here: [Superamento campi rom Associazione 21 Luglio | Il Paese dei Campi](#).