



DOUBLE STANDARDS

ITALY'S HOUSING POLICIES
DISCRIMINATE AGAINST ROMA

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Cover photo: The Castel Romano camp is located beside a busy motorway outside Rome with no public transport links. It houses around 1,000 Roma, many of whom were transferred there after being forcibly evicted from other camps.

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1. INTRODUCTION

“My little one keeps asking: when do we leave here? Why do we not have a house? I am an Italian citizen... We cannot live like this. What should I tell my son? That other people are better than us?”

Miriana Halilovic, a resident of Salone authorized camp, Rome, June 2013

In Rome, Italy, a two-track system applies to people in need of housing support. On the sole basis of their ethnicity, Roma who cannot afford a home are placed in authorized camps, built and managed by the municipal authorities. Non-Roma who cannot afford a home are placed in dormitories and temporary housing centres. While some Romani families have been housed in dormitories and temporary housing centres, non-Romani families have never been housed in authorized camps. While non-Roma can – at least in principle – hope to access social housing, Roma have been systematically discriminated against when they have tried to do so.

Over 4,000 Roma live in the authorized camps of Rome, according to the municipality's official data. Labelled as “nomads” by the authorities, they have been placed in this separate housing system, designed only for them. A pre-fabricated container or a mobile home in a segregated, fenced camp, well removed from residential neighbourhoods and basic amenities has been the only housing option available to them. Most Romani families have been moved to these structures after being forcibly evicted from other camps. For over a decade, it has been impossible for these families to improve their living conditions as without a regular income from formal employment to count on, they cannot afford private market rents.

Roma living in camps are excluded also from social housing. Despite their numerous and repeated applications, to date, only a handful of Romani families are recorded as living in some of the 50,000 social housing properties owned by the Rome social housing body. For over a decade, the provision of social housing in Rome has ignored the plight of thousands of Romani families placed in sub-standard housing in authorized camps. The prioritization, within the allocation system, of criteria which they could never meet has effectively barred them from equal access to social housing. One of the priority criteria valued in this system is proof that the applicant has been lawfully evicted from private rented accommodation. As they are unable to access this type of housing in the first place they can never show that they have been lawfully evicted from it. This is despite the fact that the state is obliged to provide affordable housing to everybody as part of its duty to realize the right to adequate housing

without discrimination.

To aggravate the discrimination to which Roma have been subjected, living conditions in authorized camps have been and remain very poor, as international human rights bodies have repeatedly noted. In authorized camps, severe overcrowding robs individuals of any privacy, families of the space for intimacy and children of the possibility to play and concentrate on their homework. Poor, in many cases dire, living conditions – including inadequate access to water and electricity, blocked sewers, insufficient waste removal, damaged structures and insect infestations – threaten health and undermine the human dignity of residents. Opaque regulations and procedures applicable inside the camps deprive residents of the equal protection of the law and of a minimum degree of security of tenure over their home, as they can be expelled or evicted without legal safeguards. Gates guarded by “wardens” at the entrance of authorized camps, very poor public transport connections and a service of coaches for Romani children only, taking them from the camp to school and back inside the camp every day, contribute to ensure and perpetuate the social exclusion of these families.

This segregated and sub-standard housing system has been used not only to provisionally shelter Roma rendered homeless by an eviction, but also in practice to house them for the medium to long term. Many families have lived in authorized camps for over 15 years. International treaties, to which Italy is a party, prohibit discrimination on the basis of race and ethnicity and require Italy to meet certain standards in relation to the right to adequate housing. The housing of Roma in segregated camps – as described above – constitutes a serious breach of these legal obligations. These obligations bind all levels of the state, including regional and municipal authorities.

The discriminatory exclusion of Roma from adequate housing must be seen in the wider context of the increasing lack of affordable housing across the country. Thousands of non-Romani families are also experiencing a curtailment of their right to adequate housing in Rome, as well as in other parts of the country.

The ongoing economic crisis in Italy has led a growing number of families into poverty.¹ For some three million families housing costs amount to over 40% of their income.² Evictions have increased sharply, the vast majority caused by the impossibility for tenants to continue to pay agreed rents due to unemployment or other loss of income.³ Austerity measures taken by the government have included the slashing of rent benefits, whose amount became insignificant in the last two years.⁴

The pressure on social housing is therefore growing, while the social housing sector is shrinking. For decades, Italy has allowed its social housing stock to be progressively depleted.⁵ Social housing in Italy currently represents about 5% of the total housing stock, compared with 17% in France, 18% in the UK and Sweden, 23% in Austria and 32% in the Netherlands.⁶ Social housing is not currently funded by a regular steady source⁷ and housing bodies are struggling to ensure ordinary maintenance and management of social housing properties.⁸

It is undeniably challenging to uphold the right to adequate housing for all. However, there can be no excuse for perpetuating segregation and maintaining a two-track social housing system. Roma in Italy have endured discrimination and violations of their fundamental rights

long enough. They remain among the most severely affected by gravely inadequate housing conditions, in Rome and in many other Italian cities. In over a decade, Italy's treatment of Roma, and especially their lack of adequate housing, has been repeatedly and consistently criticized by United Nations, Council of Europe and European Union human rights bodies. The legitimate plea of the many non-Romani families in gravely disadvantaged housing conditions cannot be exploited as an excuse to perpetuate the discrimination of Roma.

As the UN Committee on Economic Social and Cultural Rights has stated: "[obligations under the Covenant] continue to apply and are perhaps even more pertinent during times of economic contraction." The state must uphold the principles of equality and non-discrimination at all times and in allocating its limited resources, the state is under an obligation to give due priority to those social groups living in unfavourable conditions by giving them particular consideration.

This report exposes how Rome's municipal authorities have discriminated against Roma by creating a separate system for housing provision based on ethnicity and by failing to address their lack of equal access to social housing, thus perpetuating their exclusion from mainstream housing services. Amnesty International is calling for urgent action by authorities at national and local level. It is time to:

- stop using double standards in the provision of housing to Roma and eliminate discriminatory obstacles to access adequate housing, including social housing
- end segregation of Roma in camps
- stop forced evictions

Amnesty International is also calling on the European Commission to initiate an infringement procedure against Italy for its failure to adequately implement the Race Equality Directive with regard to access to adequate housing by Roma.

METHODOLOGY

This report is based on the findings of two visits by Amnesty International delegates to Italy in March and June 2013, as well as other research conducted before and since. Amnesty International visited the camps of Nuova Barbuta, Candoni, Castel Romano and Salone in 2013, as well as River Camp, Nomentano (Cesarina) and Tor de' Cenci Camps in 2012, and interviewed residents and staff working at these facilities. Researchers also interviewed the tenants' unions Feder.casa, Sicut, Sunia and Unione Inquilini, and officials of the municipality of Rome, the National Office against Racial Discrimination (Ufficio Nazionale Antidiscriminazioni Razziali, Unar), the Regione Lazio, the housing body of Rome (Azienda territoriale per l'edilizia residenziale del Comune di Roma, Ater Roma), and local non-governmental organizations (NGOs). Some individuals' names have been changed to respect their wishes.

2. ROME'S "NOMAD PLAN"

"Inside here there is no future, there is drug smuggling, drug addiction. Inside the camp there is no life. It is impossible to improve life inside the camp, because you would still be inside. Here."

Kinta, a resident of Castel Romano authorized camp, Rome, June 2013

Violations of the right to adequate housing of Romani families are widespread in Italy. In many Italian municipalities there is a separate system in place to house Roma, based on their ethnicity. This separate system has been allowed to develop unchallenged by authorities that – at local and national level – are under an obligation to uphold the principle of non-discrimination. In Rome, the situation is particularly striking because of the numbers involved and because of the near total exclusion of Romani families from social housing. Having their housing needs treated differently has resulted in thousands of Roma facing multiple violations of their right to adequate housing: they have been subjected to living in sub-standard conditions and in segregated environments; they have been disproportionately subjected to forced evictions (compared to people living in private or public housing); and they have been excluded from equal access to social housing because the very condition of being housed in camps has resulted in them being unable to meet key criteria to access social housing.

In May 2008 the previous administration of Rome, led by the then mayor, Gianni Alemanno, decided to address the housing situation of the Roma living in the capital through a "Nomad Plan".⁹ This plan was devised under the national "Nomad Emergency", which was declared in 2008 in order to deal with a "situation of grave social alarm, with possible repercussions for the local population in terms of public order and security" that the Roma were alleged by the government to be creating. The decree was later declared unfounded and unlawful by the Council of State in November 2011 and by the Supreme Court in April 2013.¹⁰

Using the emergency powers and funds made available through the state of emergency decree, the plan provided for the reorganization of the Romani settlements of the capital. Informal camps had to be closed and Romani people, capped at a maximum of 6,000, had to be resettled – or continue to reside – in a total of 13 authorized camps, two of which to be built anew and several existing ones to be restructured. The plan's stated long-term aim was to promote the human dignity of the individuals involved and their social inclusion. However, the actual impact of the plan has been the direct opposite.

The implementation of the "Nomad Plan" has resulted so far in the eviction of the large

settlements of Casilino 900 in February 2010 (involving over 600 people), La Martora in July 2010 (involving approximately 350 people), and via del Baiardo in July 2012 (involving almost 300 people), as well as in the closure of the authorized camp of Tor de' Cenci in September 2012 (where about 380 people were living).¹¹

Amnesty International considers that these were all forced evictions, carried out without adequate procedural safeguards and without genuine consultation and consideration of possible alternatives with the communities involved.¹² Well over 1,000 people – evicted from other settlements – were moved to the camps of Candoni, Castel Romano and Salone, or placed in the three segregated Roma-only shelters of via Amarilli, via Salaria, and via Visso. In these authorized camps, which Amnesty International visited several times between 2010 and 2013, living conditions have significantly deteriorated due to increased overcrowding and inadequacy of the infrastructure. Living conditions in the three segregated shelters, currently hosting some 680 Romani people in communal facilities, are also reportedly gravely inadequate.¹³ One new large segregated camp was opened in June 2012, Nuova Barbuta, to house families evicted from the camp of Tor'de Cenci and from a settlement which had existed in the vicinity of the new camp for a long time.

Rome's discriminatory "Nomad Plan" has not come cheap. Local non-governmental organizations have estimated that between 2009 and 2013 over €32 million was spent on the implementation of the "Nomad Plan" in Rome. In addition, it is also estimated that in the same period some €30 million was spent in the ordinary maintenance, management and services related to the authorized camps (including taking children to and from school, vocational training for Roma living in the camps, rubbish removal) and evictions.¹⁴ In February 2012 the government presented a new National strategy for Roma inclusion to the European Commission.¹⁵ The Commission endorsed it in May 2012. The strategy includes housing as one of the areas which require new solutions for Roma, and it unambiguously acknowledges that the policy of "nomad camps" does not provide for the real needs of people who are now sedentary and has itself become the cause of social marginalization.

At the end of September 2013, the council representative for social support and other representatives of the new administration of Rome, which took office in June 2013, stated that the new administration intends to implement the National strategy for Roma inclusion in Rome through a four-pronged approach looking at education, housing, work and health.¹⁶ Amnesty International welcomes this new approach and looks forward to the details of the new policies. The organization calls on the new administration to ensure that any plan is devised in full consultation with Romani communities and civil society and that it is fully consistent with Italy's obligations under international human rights law, especially with regard to non-discrimination.

However, until the new policies are adopted and implemented, the life of the Roma in Rome will continue to be adversely affected by the "Nomad Plan" and the continuing segregation of Roma in inadequate housing in specially designated camps.

3. SUBSTANDARD AND SEGREGATED HOUSING IN AUTHORIZED CAMPS

International human rights bodies have described what is meant by adequate housing. According to the UN Committee on Economic, Social and Cultural Rights (CESCR) “the right to housing should not be interpreted in a narrow or restrictive sense which equate 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. (...) The right to housing should be ensured to all persons irrespective of income or access to economic resources.”¹⁷ CESCR has listed and described in detail the features of adequate housing in its General Comment n. 4: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.¹⁸ Similarly, for the European Committee of Social Rights, adequate housing means “a dwelling which is structurally secure, safe from a sanitary and health point of view and not overcrowded, with secure tenure supported by the law. This definition means that:

- a dwelling is safe from a sanitary and health point of view if it possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc and if specific dangers such as, for example, the presence of lead or asbestos are under control.
- over-crowding means that the size of the dwelling is not suitable in light of the number of persons and the composition of the household in residence.
- security of tenure means protection from forced eviction and other threats...”¹⁹

States parties to the International Convention on the Elimination of Racial Discrimination (ICERD), which Italy ratified in 1976, undertake to particularly condemn racial segregation and to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction (Article 3). They also undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of a series of rights, expressly including the right to housing (Article 5).²⁰

Italy is also bound by the provisions of EU Directive 2000/43/EC (Race Equality Directive) which prohibits “direct or indirect discrimination based on racial or ethnic origin” (Article 2(1)) in the “access to and supply of goods and services which are available to the public, including housing” (Article 3(1)h).

Italy’s longstanding failure to respect the right to housing and to non-discrimination in relation to Roma has been condemned by international human rights mechanisms for several years already. In March 2012, the UN Committee on the Elimination of Racial Discrimination (CERD), in its Concluding observations on Italy stated: “As indicated in its previous concluding observations, the Committee is concerned that the Roma, Sinti and Camminanti

populations, both citizens and non-citizens, are living in a situation of de facto segregation from the rest of the population in camps that often lack access to the most basic facilities ... It also urges the State party to refrain from placing Roma in camps outside the populated areas without basic facilities such as health-services and education."

As far back as 2005, the European Committee of Social Rights had already found Italy in breach of the Revised European Social Charter in the case brought against the country by the European Roma Rights Centre, among other reasons for the inadequacy of housing for Roma.²¹

In 2010, the Committee, in a case against Italy brought by the Centre on Housing Rights and Evictions, found that: "the living conditions of Roma and Sinti in camps worsened following the adoption of the contested "security measures"... the situation amounts to stigmatisation which constitutes discriminatory treatment.... The Committee holds that the situation of the living conditions of Roma and Sinti in camps or similar settlements in Italy constitutes a violation of Article E taken together with Article 31§1 of the Revised Charter."²²

In 2011, the Committee, in its conclusions concerning article 31 of the Revised European Social Charter in respect of Italy, noted: "the situation in Italy is not in conformity with Article 31§1 of the Charter on the ground that measures taken by public authorities to improve the substandard housing conditions of most Roma in Italy are inadequate. This ground of non conformity is the one which led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory. This ground of non conformity is also the one which led to the finding of violation in COHRE v. Italy".²³

Far from addressing these concerns, the current policies regarding the housing of Roma in Rome are perpetuating the inadequate and segregated housing conditions in which thousands of Roma have been living for decades.

There are currently 4,351 Roma living in eight authorized camps in Rome according to municipal data (172 in Nomentano Camp, 527 in River Camp, 820 in Candoni, 150 in Casal Lombroso, 989 in Castel Romano, 243 in Gordiani, 550 in Nuova Barbuta, 900 in Salone).²⁴ Approximately half of them are believed to be Italian citizens, while the others include recognized refugees from the former Yugoslavia, migrants from EU and non EU countries (mostly from Romania and the Balkans), and recognized or de facto stateless people (mostly from the former Yugoslavia, many of these Roma do not have identification documents of their country of origin and have not yet been recognized as stateless by the Italian authorities). Over half of them are estimated to be 19 or below years of age and of these over 40% are estimated to be 14 or below.²⁵

Between 2009 and August 2013, Amnesty International visited six out of eight authorized camps in Rome, some of them several times, as well as the camp of Tor de' Cenci, which was closed down in September 2012.²⁶ (The organization has not visited Casal Lombroso and Gordiani). Researchers have documented living conditions in these camps and violations of the human rights of the Romani communities living there in several reports and in correspondence with local and national authorities and international human rights bodies.²⁷

12 Double standards

Italy's housing policies discriminate against Roma

Although living conditions and the quality of housing varied from camp to camp, none of the camps visited by the organization provided adequate housing when tested against international standards.²⁸



Castel Romano authorized camp, Rome, 2013. The camp is located beside a busy motorway, outside Rome, with no bus stop available. About 1 thousand Roma are housed here according to official figures, although estimates by local NGOs indicate that the real number may reach 1,200. Tens of families were transferred to this camp after being forcibly evicted from other camps, including Tor de' Cenci. © Amnesty International

SECURITY OF TENURE

According to CESCR, housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced eviction, harassment and other threats.²⁹

Most of the residents of authorized camps in Rome were transferred there following forced evictions from other locations. They were not given a choice about where they were moved. Although they have been placed there by the authorities, they remain at risk of forced eviction as the authorities can decide to close the camp or expel individuals or whole families through processes that lack transparency and fail to meet international legal requirements in relation to the right to adequate housing.

EXPULSIONS FROM CAMPS

Housing in authorized camps is provided free of charge as a form of social service under the Department for the Promotion of Social and Health Services – Nomads office of the

municipality of Rome. The agreement on the basis of which a family receives a housing unit (in most cases a pre-fabricated container or mobile home) is a fixed-term lease free of charge, by which the municipal authorities lend the container or mobile home to the family, generally for a renewable period of two years. The agreement lists the terms of use of the unit and requires the family to agree to comply with the rules of conduct listed in the agreement itself as well as with all the municipal regulations in force in the authorized camps of Rome.

However, according to the information provided by the Department for the Promotion of Social and Health Services in a letter dated 12 September 2013, currently there is no municipal regulation applicable in authorized camps. The latest one was the 2009 Lazio regional regulation for the management of the authorized camps for nomad communities. Since the "Nomad Emergency" was declared unlawful by the Council of State in November 2011, all acts and decisions taken on the basis of the state of emergency, including the 2009 Lazio regulation, have been annulled. Since then there has been considerable uncertainty as to which regulation applies in the authorized camps of Lazio, including Rome, and of the other regions covered by the state of emergency. In Castel Romano, Salone and Candoni, Amnesty International found that the wardens of authorized camps were uncertain about the camp regulation they are supposed to apply and unable to exhibit a copy.

The Department for the Promotion of Social and Health Services, in the above-mentioned letter, told Amnesty International that the 2009 regulation is not in force anymore, following the end of the "Nomad Emergency", and that the municipality has yet to adopt a municipal regulation for authorized camps, which requires approval by the municipal council. In the meantime, the basic rules included in the agreement signed by families when they are allocated a unit in an authorized camp continue to apply.

Amnesty International found that some of the rules contained in the agreement on the basis of which a family receives a housing unit restrict the enjoyment of fundamental rights such as the right to family life and privacy. For example, visitors are admitted to the camp only between 7am and 10pm, and only if their entry was authorized by the wardens guarding the entrance to the camp. In addition, residents can only have guests overnight for up to seven days and only if the total number of people in the household remains within the maximum number for which the unit is intended.

The agreement expressly states that breaches of the rules contained in the agreement itself or in the camp's regulation can determine the immediate expulsion from the authorized camp and the loss of the right to be hosted in any other structure of the municipality. There is no procedure described in the agreement according to which the expulsion should be decided and providing for the possibility of challenging the expulsion.

The Department for the Promotion of Social and Health Services told Amnesty International that in the last two years it has withdrawn the allocation of units in authorized camps in some instances and expelled individuals and families from the camps.³⁰ Because the agreement for the allocation of units does not provide for a procedure to expel or evict a family from a housing unit, and because there is no municipal regulation currently in force describing an expulsion procedure, the expulsions decided by the Department for the Promotion of Social and Health Services are highly likely to have been implemented without legal safeguards in likely violation of the rights to equality before the law and of the prohibition of

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discrimination.

A resident in the camp of Nuova Barbuta, interviewed in March 2013, explained that there are a set of declarations that the family accepting the unit is required to make. One such declaration is that the family does not own capital goods and chattels over the amount of €5,165. He said he had not understood that by ticking that box, he was exposing himself and his children to expulsion from the camp for owning an old van they use for collecting and selling iron. The overall value of the van and the iron he collects on certain days could exceed the limit and he could be expelled by the wardens. "I risked being expelled once already. Now if I have iron on the van, I sleep outside the camp. I am afraid the wardens could expel me for good. It is very difficult to work in this way. I am anxious all the time."

The agreement Roma families have to sign when they are allocated a pre-fabricated container or mobile home in an authorized camp in Rome. © Amnesty International

The ongoing lack of a procedure for implementing expulsions and the uncertainty about the rules whose breach could trigger the expulsion – due to the fact that the agreement through which a housing unit is allocated refers to municipal regulations which should be abided by and which are currently not available – expose people to arbitrary decisions, and render them vulnerable to harassment and other threats for example from other residents of the camp or the wardens.

Amnesty International documented a case at the camp of Nuova Barbuta, in which an individual following a row with the wardens of the camp risked being expelled in the absence of any legal safeguards, together with his family. After the incident, in August 2012, the

individual involved filed a complaint with the police against the wardens and sought medical assistance because of injuries reported during the row. A week later he received a letter from the Department for the Promotion of Social and Health Services advising him that a further instance of behaviour in contravention of the camp's rules of conduct could be sanctioned with the expulsion of the whole family. Two days after receiving the first letter, he received a second letter from the same department notifying him of his expulsion and prohibition to re-enter the camp, but allowing the family to remain in the camp. This expulsion order was later withdrawn by the Department for the Promotion of Social and Health Services allegedly after negotiations with the resident who withdrew his formal complaint to the police about the incident. The expulsion order, which is in Amnesty International's files, did not contain any information on possibilities to appeal against the decision.³¹ The lack of clear procedures and safeguards leaves residents vulnerable to arbitrary decisions by the municipality. Any crimes allegedly committed inside a camp must obviously be investigated by police. Expulsion orders should not be used as an alternative law enforcement mechanism.

The procedure which appeared to have been followed in the case described above appears similar to the one provided for in the 2009 Lazio regional regulation for authorized camps, which had been issued by the Prefect of Rome in his role as Commissioner for the emergency and was deemed unlawful by the courts because it contained rules breaching the right to freedom of movement and to freedom to choose one's occupation.³² This regulation provided for a procedure for withdrawing the authorization to remain in an authorized camp. According to this procedure, the decision to withdraw an authorization, and therefore to expel an individual or a family, was taken by the Department for the Promotion of Social and Health Services. The person or family would be given 48 hours to leave. They could ask for a reconsideration of their situation and be granted a brief period to address the violation of the rules of the camp which occasioned the withdrawal of their authorization to stay. The same Department would then reconsider their situation. In case of rejection of the request of reconsideration, the person or family would be given a further 48 hours to leave, after which the mayor could ask for the intervention of the police. The lack of procedural safeguards in this process and in the one which appears to have been followed in the case described above stands in stark contrast to the procedures for lawfully evicting tenants from private accommodation - where a judicial procedure is followed, during which the tenant can oppose decisions and appeal them in a process which can last many months.³³ As such the official process for expelling Roma from authorized camps is yet another manifestation of discrimination against Roma.

LACK OF LEGAL SAFEGUARDS SURROUNDING THE CLOSURE OF CAMPS

The lack of security of tenure in authorized camps is also evident from the fact that residents of authorized camps are exposed to the very real risk of forced eviction if the municipality decides that a camp must close or be moved. The case of the authorized camp of Tor de' Cenci exemplifies how vulnerable Romani families in authorized camps are to being evicted from their homes without procedural safeguards, without being meaningfully and genuinely consulted and without being offered adequate alternatives.

On 31 July 2012 the then mayor of Rome signed an ordinance for the closure of the camp of **Tor de' Cenci** because of the lack of hygiene and related risks to the health of the inhabitants. A notice was fixed to the gate of the camp informing residents that the camp was going to be closed by 28 August 2012. The only alternative housing offered to the

residents was in the camps of Nuova Barbuta and Castel Romano. The administration had been seeking to close the camp since 2009, without ever providing a compelling justification for doing so until the mayor's ordinance of 31 July 2012 raising lack of hygiene and related risks to health. Until then, no written information about the legal basis for closing the camp had been provided to the residents. In fact, in June 2012, a few weeks before the mayor's ordinance, municipal representatives had stated that there was no plan to issue any official communication on the closure of the camp, unless residents refused to leave, which they continued to do.

The Tor de' Cenci camp was opened by the municipality of Rome in 1995 and equipped with container housing units and basic infrastructure to house 350 Roma from Bosnia and Macedonia, who had been evicted from an informal settlement. In 2009, however, the administration started referring to Tor de' Cenci as a "tolerated" camp which should be closed as part of Rome's "Nomad Plan".³⁴ At the time of the final eviction of Tor de' Cenci, some residents had been living there for over 15 years. Breaching its obligation to ensure adequacy of housing, the municipality neglected the camp in view of its planned closure. Amnesty International witnessed the progressive deterioration of living conditions in the camp. The authorities failed to engage in a genuine consultation on the reasons for closing the camp or on possible housing alternatives.

Discussions with the community were carried out under the continuous threat of an imminent eviction, presented as inevitable and in the absence of adequate information about the alternatives on offer.³⁵ In June 2012, when the building of the new camp of Nuova Barbuta was finalized near Ciampino airport, this was offered to Tor de' Cenci residents. They refused it, out of concern that they would be far from the city centre and isolated from services.³⁶ Some families had applied for social housing and did not want to move to yet another camp. About 200 people were transferred to Nuova Barbuta in the last week of July 2012. By mid-August, some 180 people were left in Tor de' Cenci. Following a request by some of the remaining families, on 27 August 2012, the Lazio administrative tribunal issued precautionary measures ordering that the eviction be temporarily suspended and that health and safety conditions in the camp be improved until a final decision was taken by the court.³⁷ On 26 September 2012 the same court ruled that the mayor of Rome's order of 31 July 2012 that the Tor de' Cenci camp be closed for health and safety reasons could be implemented.³⁸ The only alternative housing solution offered was – again – the transfer to one of two authorized camps, both isolated and segregated facilities outside Rome. Although the residents would have been entitled to appeal against the decision of the first instance court, the implementation of the eviction, which the authorities started immediately after the court decision, resulted in the residents being denied the possibility to challenge it further. Amnesty International considered that this treatment could be discriminatory compared with the procedures which would apply in case of eviction from private accommodation or other public housing. The manner in which the final eviction of Tor de' Cenci was implemented raised concern and was noted by local organizations as especially and unjustifiably harsh. On 28 September 2012 at about 8am, without a warning, national and municipal police arrived with bulldozers and hurried families to take their things and leave their homes. The demolition of homes started without waiting for the families to have left. One organization stated: "Bulldozers destroyed everything before the eyes of the children who had been sleeping in those "homes" an hour earlier, shocked, angry, frightened, in tears. ...We have a bitter certainty: if there had been other children in that camp, instead of Romani children,

the method, attention and language would have been different".³⁹ Amnesty International considers that the residents of Tor de' Cenci were victims of a forced eviction.⁴⁰

LOCATION

According to CESCR, housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.⁴¹

The location of most of the authorized camps of Rome results in their residents being cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities. Six of the authorized camps (all but Candoni and Gordiani) are situated outside the Rome's orbital road (Grande Raccordo Anulare), well-removed from residential areas. There is a bus stop in the vicinity of the entrance to the camp at Camping Nomentano and Candoni. However, from River and Salone Camps it is necessary to walk some distance along a main road without a pavement to reach a bus stop, which has an infrequent and irregular service. Outside Nuova Barbuta there is a bus stop, but the service is infrequent. Castel Romano is completely cut off from public transport, located along the Via Pontina, a fast and notoriously dangerous motorway. The camp is closer to the municipality of Pomezia and a 20-30 minute drive from the closest underground station. A bus stop near to the camp was removed years ago. According to a local NGO, the average distance of an authorized camp from the closest bus stop and neighbourhood is 2km. In the case of Salone, the closest supermarket is at 3 km, and cannot easily be reached on public transport.⁴²

In all these camps, Amnesty International heard complaints from elderly residents feeling completely cut off from services, especially health services, and from women who found it very taxing to shop for food and transport it for long distances (with inevitable preservation problems in the hot Roman summers) when a car was not available (very rarely do Romani women drive, resulting in their isolation being even more marked, as they depend on lifts).

Moreover, residents complained that children were unable to socialize with non-Romani children and go anywhere to play. Transport to and from school is available in dedicated and segregated buses, which reportedly often run late, resulting in a significant loss of school hours and in the exclusion of Romani children from social relations with non-Romani schoolmates, and after-school activities outside their camp.⁴³

THE CASE OF HANIFA

Hanifa is 23 and has lived in Castel Romano for three years. "They took away the bus stop. If there was transport, one would go to a park or somewhere, but here it is like being in prison. If you have no car, you can even die for lack of food! The people who have cars charge €10 to take you to the shops, and it is fair that one should pay them, because petrol is expensive. We have to go to Pomezia to do our shopping, 10km away."

Hanifa is from Sarajevo. She worked as a cultural mediator for UNHCR, Save the Children and Worldvision: "If UNHCR came here, it would denounce Italy! I wanted to do it myself, but cannot speak well enough. I wanted to make a movie." Hanifa speaks Serbo Croat and German. She was raised in Germany and studied political sciences for one year. She and her husband got married in Sarajevo. They have two children together, aged 19 months and six months respectively. The baby suffers from serious heart problems and Turner syndrome. "She needs treatments and medication. Her medicine for the heart is €10 per box. She also needs to have her heart

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regularly monitored. We don't have a car, we have to borrow one to go to the hospital. It is €50 to go and come back from the hospital, in Palidoro.”

Hanifa's husband has lived in Italy since 1990. He went back to Bosnia briefly, but when the war started, in 1992, he came back for good. He has three children from a previous relationship, and he, Hanifa and his five children live together in one container in Castel Romano. “I have never tried to live outside the camp.” He works part-time for Arci⁴⁴, the organization which provides support and services to ensure Romani children's attendance to schools. He helps taking children to school in the coaches servicing the camp and earns €590 per month. “I would like to rent a flat, but I cannot afford it.”



Hanifa and her baby, in the camp of Castel Romano, Rome, 2013. © Amnesty International

SERVICES, MATERIALS, FACILITIES AND INFRASTRUCTURE

According to CDESCR, housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal.⁴⁵

Although the availability of services, materials, facilities and infrastructure in the camps Amnesty International visited varied, in most of them sanitation, energy and refuse disposal were inadequate and insufficient to meet the needs of residents.

In Nomentano Camp, which Amnesty International visited in March 2012, safe drinking water and sanitation were not available inside the containers and mobile homes but through a small fountain and at the communal toilets and washing facilities. These were completely

inadequate, with approximately 200 people sharing eight toilets and eight showers. At the time of Amnesty International's visit, four of the showers were broken. Hot water was available only three days a week for three hours, which was insufficient to meet the needs of all the residents. Toilets and showers were poorly lit, making the uneven, dirty and slippery floors dangerous. The ground of the camp was not paved, resulting in large puddles of water and mud in case of rain. Energy provision was insufficient and intermittent throughout the camp, which meant lighting homes and paths, heating, washing, cooking, storing food and even following medical treatments was extremely difficult. Many families were cooking outdoors, because their mobile homes were tiny.⁴⁶ At the time of writing, over 18 months after Amnesty International's visit, a local non-governmental organization told Amnesty International that the situation in the camp remained profoundly inadequate, with water being provided through tanker lorries only.

Safe drinking water was provided in all other camps visited by the organization, mostly through pipes reaching the individual containers and mobile homes, although several residents of River, Castel Romano, Nuova Barbuta and Salone Camps reported that the quality of the water was very poor and they preferred to drink bottled water.

Sanitation facilities inside the individual housing units were available in most camps. However, residents of Salone and Candoni complained about the inadequacy of the sewage infrastructure, resulting in frequent breakages and flooding of areas of the camp, especially after hundreds of additional residents were transferred there after their forced eviction from the informal settlements of Casilino 900 and La Martora.

Refuse disposal was an obvious problem in and around all camps. Solid waste removal appeared extremely inadequate. Amnesty International noted the frequent complaints of residents that they need large areas to process the refuse which they collect in order to separate and resell the iron they can find. In the case of Nuova Barbuta, one resident interviewed in March 2013 complained that the municipality had promised them, before they moved in, that those like him working in the business of collecting iron would be given either a special permit to take the rubbish to official dumps or large industrial metal containers to put their rubbish in, which the municipality would periodically empty. Neither option was implemented.

"They promised to give us permission to take our rubbish to the official dumps, or to put big crates for us outside the camp, but they never did. Many families used to provide for their children with collecting iron but it is getting very difficult. One needs to have permission and to be registered as a business to be able to sell the iron, these days, and it is all very expensive. If they find you with iron on the van the police can even confiscate the van and then you have to pay a fine, and if you cannot, they prosecute you. I worked for two and a half years as a builder, but we avoid saying we are Roma. Now I do some removals and clear cellars in Rome. Last week a television crew came here, they filmed the rubbish. But they didn't come inside the camp to talk to us, to ask us why there is so much rubbish."

HABITABILITY

According to CESC, housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.⁴⁷ Housing in camps completely fails to meet the

requirement of habitability.

Housing in camps consists of metal pre-fabricated containers or mobile homes, which are often in an extremely poor state of repair. The units of Nomentano Camp were in particularly bad condition at the time of Amnesty International's visit in March 2012, with big holes, detaching panels, broken windows held up with brown tape. According to a local non-governmental organization they have not been substituted or repaired.

Many residents told Amnesty International the containers were very cold in winter and unbearably hot in summer. In Nuova Barbuta, Castel Romano and Salone there are no trees or green areas to provide shade in the summer. On the other hand, in Nomentano Camp the housing units were located under very high and unkempt trees. Residents reported that due to a heavy snowfall in the winter of 2012 several branches fell among the containers and mobile homes.

Residents of Castel Romano and Salone Camps told Amnesty International that they are always afraid of leaving their container or mobile home, as these can easily be broken into, which causes a sense of constant anxiety. A woman interviewed in Salone in June 2013 said: "In the camp there are also people who wouldn't be authorized to stay here. If we leave the container unattended for a while, I'm afraid someone may steal my things or occupy my container. I pray God that my son finds a job and gets a salary to pay a rent, so that we can go away."

In Castel Romano, several residents interviewed by Amnesty International in June 2013 said they were afraid of groups of wild boars roaming in the vicinity of the camp, and to have found grass snakes in the camp.

Overcrowding is rife in almost all camps visited. There is no privacy. All the residents interviewed by Amnesty International complained about the small size of housing units for the needs of their families. It is frequent for families with grown, married children and grandchildren to share a two bedroom container. The resettlements due to the implementation of the "Nomad Plan" have aggravated overcrowding in Candoni, Castel Romano, and Salone. Salone was originally built to house about 600 people and is currently hosting 900 according to official data, and according to unofficial estimates, up to 1,200.⁴⁸

Article 20 of the Lazio Regional regulation for the assignation and management of social housing no. 2 of 20 September 2000⁴⁹ defines an adequate dwelling as a dwelling whose habitable area is not smaller than 45m² and whose number of rooms, calculated dividing the habitable area by 14m², is equal or above the number of family members.⁵⁰ If it is less, according to the regulation, there is overcrowding. By this definition, the vast majority of housing units in authorized camps are overcrowded. In the most recently constructed camp of Nuova Barbuta, containers measure 24, 32 and 40 m² for families of four, six or eight members.⁵¹

Often at night, to ensure that there is enough space to lie down for all the members of the family, the whole floor of the housing unit is covered by mattresses. Families with a disabled or sick person to care for face particular difficulties.



The authorized camp of Salone, Rome, 2013. According to official figures, about 900 people are housed in the camp, but it is estimated that the real number may be up to 30% higher. Tens of families were transferred to Salone by municipal authorities after being forcibly evicted from other camps, including Casilino 900 and La Martora, increasing overcrowding. © Amnesty International

Giovanna, in Salone, described her arrangements for the night: “There are six of us living together in this container: my husband, my four sons and myself. My sons are 22, 19, 18 and eight years old respectively. The eldest is deaf and it is difficult to be around him. He can be a bit aggressive. So, in one bedroom, I sleep with my husband and our youngest son. The middle two sleep in the living room/kitchen, using a bed that is “parked” outside the container all day, otherwise you cannot move inside. Our deaf son sleeps in the other bedroom. I would like for him to get married, but there is no space for a girl to live with him. We have been in Italy since 2003. We came from Craiova, in Romania. All my sons went to school here. They barely speak Romanian, this is their home. We have a house in Romania, but you cannot live there, there is no work, you cannot even pay the bills. When we arrived in Italy, in 2003, we stayed in a settlement, near Villa Troili. We built a shack and enrolled the kids in a school. Every night I washed my children, because I wanted them to be clean next to their Italian classmates, not to smell badly, otherwise they say that gypsies smell. In 2004 we moved to Cesarina⁵², and stayed until 2007. Then the municipality moved us here. We don't like it here. There are too many people. I want to live in peace and quiet and here it's not possible. If one gets sick, everyone else does too. We are too many. This is why I applied for social housing, four years ago. Other residents of the camp were making fun of us. Now we made a new application for social housing. We have submitted it and are waiting for the reply.”

Risks to health due to overcrowding and poor sanitation and infrastructure are difficult to

manage. In November 2012 in Salone Camp, some 10 children were reported to have contracted hepatitis A and some 80 residents were being monitored.⁵³ Inadequate infrastructure and poor hygienic conditions were reportedly among the contributing factors.⁵⁴

ACCESSIBILITY

According to CESCR, housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.⁵⁵

In the camps visited by Amnesty International no measures appeared to have been taken to ensure that disadvantaged groups, such as disabled and elderly people, had easy access to housing units and appropriate facilities to live in dignity. However, according to a municipality representative, in the camp of Nuova Barbuta families with a disabled member have been allocated additional space. In the camps visited, paths and access to containers and mobile homes appeared impossible to negotiate for wheelchair users.

CULTURAL ADEQUACY

According to CESCR, housing is not adequate if it does not respect and take into account the expression of cultural identity.⁵⁶

Since the 1980s, authorities in many Italian municipalities and regions have labelled all Romani people as “nomads” and have always considered the most appropriate – indeed, only appropriate – housing for Roma to be in camps. This discriminatory and anachronistic prejudice disregards the desire of most of the Roma living in camps that Amnesty International has spoken to over the last few years to live in regular housing, like any other person. At national level, the government has now accepted that the label of “nomads” cannot be indiscriminately applied to Romani people, and that in fact only 3% of the Romani people living in Italy have a nomadic lifestyle.⁵⁷

The National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities⁵⁸ acknowledges that the vast majority of Romani families wish to live in houses, stating that it is necessary to overcome the policy of large segregated camps. Yet in Rome, as later sections of this report make clear, “nomad” camps continue to be the only form of assisted housing offered to Roma by the authorities and virtually only Roma live in camps. Authorized camps in Rome, and in many other towns in Italy, are designed in a standard way, with long rows of cubic container housing units or mobile homes, no green spaces and very few common areas (hosted in slightly larger containers). They are surrounded by fences, often with video-cameras hoisted on them and directed towards the inside of the camp. No attempt is made to take into consideration the cultural identity of the inhabitants, apart from imposing on them to live permanently in segregated, substandard conditions on the false assumption that they want a nomadic lifestyle.

SEGREGATION

“I do not see this integration...The first non-Romani Italian is 3km away from here. Here we are surrounded by security video-cameras, watched 24 hours a day.”

A resident of Nuova Barbuta, interviewed in March 2013.

Adequate housing means, among other things, housing which is not discriminatory in any of

its elements and that is not racially segregated.⁵⁹ Amnesty International considers that segregation renders camps an inherently discriminatory and inadequate form of housing.

Segregation affects the lives of Roma living in camps at all levels and impedes the enjoyment of many fundamental rights.

A resident of Candoni, originally from Romania, told Amnesty International that he was sacked after four years of employment, because he was filmed inside the camp in a news report:

“My employer saw that I lived in a camp. I went to a lawyer but I did not have the money to sue my employer. I used to work from midnight to 5pm. Now I have been unemployed for two years. If police stop us, they check us much more thoroughly. Once the police stopped me and the first question they asked me was: How many years in jail? Can you imagine? This was the first question. I said: eight. They checked and could see I had no criminal record. Then they shook my hand to congratulate me. How would you feel if that was the first question addressed to you?”

We want to get out of here because it is difficult with the children. We need to take them away from bad influences. There are many children here who do not go to school. But we need jobs, otherwise we cannot keep up our efforts. We cannot go on without jobs. If they integrate us, in 30 years there will be 300 fewer “gipsies”! We cannot bring friends here. When the reporters with cameras come here, the girls go inside, they are ashamed in case their school friends see where they live.”

Successive governments and municipal administrations have failed to take effective action to combat segregation in camps. In Rome, the “Nomad Plan” has served only to entrench it. These failures constitute serious violations of international and European law.

As mentioned above, in the National strategy for Roma inclusion, the government criticized the use of camps and indicated that they should be discontinued in the future because of the overwhelmingly negative impact they have had on the discrimination and exclusion of Roma. The European Commission expressly identified among the key elements of Italy's National strategy “the clear and strong position against the ‘system of camps’ (recognised as an unsuitable arrangement in terms of desegregation and social exclusion)”.⁶⁰ However, the adoption of this commitment to stop the policy of camps does not appear to have been effectively conveyed to the regional and municipal level, where decisions regarding camps are taken.

One month after the endorsement of the National strategy, Rome's mayor opened the camp of Nuova Barbuta, yet another large, mono-ethnic camp offering accommodation only to Roma. Nuova Barbuta has all the features of a typically segregated large camp. Sandwiched between railway tracks, Rome's orbital road and the runway of Ciampino airport, it is located away from other neighbourhoods and in an area where residential buildings could not be erected. The closest shops, schools, health care services are in the town of Ciampino, about 2.5km away. To go anywhere from the camp, residents have to walk along a main road with no pavement. Local NGOs are concerned that air and noise pollution due to the proximity of the airport could put the health and safety of the inhabitants at risk.

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Heightening the sense of separation, fences run all around the camp, equipped with video surveillance pointing both outwards and inwards. The camp can only be entered and exited through a guarded gate. It can host up to 880 people in some 160 units – the biggest measuring 40m². There are no trees or shaded areas. It is already surrounded by large areas of rubbish, which is an inevitable by-product of one of the very few ways Romani people find to earn a living, to recycle rubbish and sell any iron or other useful metal they find.



Nuova Barbuta camp, 2013. The camp was opened in June 2012 next to Ciampino airport, outside Rome, to host Roma previously living in other camps, including Tor de' Cenci. Fences run all around the camp, equipped with video-cameras pointing both outwards and inwards. © Amnesty International

THE CASE OF NORIS

Noris was one of the first to move into Nuova Barbuta with his family. He is 20 and the eighth of 15 children. His family originated in Bosnia. He used to live in La Barbuta before, but in an informal settlement. When the camp was built, his family was assigned housing inside it. "The good thing about the camp is that we can stay together, but it's important we get out of the camp, earn a living, become a part of society. To change others' mind, we must change our own.

"Employment is very important. We need to be able to save money to pay rent. I would like to have stable employment and leave the camp. I have completed my compulsory education at evening classes. I work as a sales agent for a company selling vacuum cleaners, I have a contract and I am paid on commission. I have just won a scholarship for a 16-month training course as cultural mediator. They chose 16 young people all around Italy. I hope it is a good personal experience, which will make me grow and perhaps find a stable job. As agent I have no certainties.

"I would also like to be an example for other Romani youths, who should believe in themselves, despite the prejudices of others. I believe we must demonstrate that we can work, integrate. It's bad not being able to explain who you really are. People have prejudices. Some colleagues used to give me a lift after work. For a

long time, I asked them to drop me in town, and then I would walk the last two kilometres to La Barbuta. I did not want my colleagues to know I lived in a camp. They would never know otherwise, because I wear a suit every day. In the end, I told my bosses that I wanted to leave the job, as I was living in a camp and did not want to hide it any longer. They told me they didn't care who I was, that I was a very good agent, and convinced me to stay. A colleague has even come for dinner here and changed his opinion on Roma. But we need to change the opinions of many, not just one. Some support to get housing, either to rent or get social housing, would be good. People would see me as Noris, not 'Noris the gipsy'."

In 2012, before the opening of the camp, local NGOs started legal proceedings to establish the discriminatory nature of the housing provided to Roma at la Nuova Barbuta. The case is pending.

Amnesty International is concerned that Italy continues to violate its international law obligations to ensure that the housing provided by public institutions to Roma is of an adequate standard and not segregated, thus depriving entire communities of their right to live in dignity.

Amnesty International considers that irrespective of the quality of material housing, services and infrastructure, camps constitute a discriminatory parallel housing system based on ethnicity and as such they are an inherently inadequate form of housing.

Amnesty International therefore urges the national government to ensure that regions and municipalities design plans to discontinue the use of segregated camps, including in the framework of the National strategy, and provide their residents with adequate alternatives for the medium to long term. The closure of authorized camps should be undertaken consistently with international standards on evictions, in genuine consultation with the communities involved and without in any way restricting their security of tenure. Until such time as their closure can be completed, municipal authorities must ensure that the living conditions in camps are brought in line with international standards on habitability.

4. FORCED EVICTIONS OF ROMA IN ROME

Forced evictions are a gross human rights violation.⁶¹ CESCR defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”.⁶² In the words of the Special Rapporteur on adequate housing: “In evictions, possessions are often destroyed, family stability jeopardized, and livelihoods and schooling threatened. Affected children describe the violence, panic and confusion of the evictions and the painful experience of sleeping and managing their lives out in the open. They also face the challenge of re-establishing a stable life and dealing with frequent breakdowns in family relations as a consequence of the stress and economic challenges that are the result of homelessness”.⁶³

Forced evictions are prohibited under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Forced evictions can also result in the violation of other human rights, including to health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, non-interference with privacy, family and home, and the peaceful enjoyment of possessions.

Amnesty International has documented the practice of forced evictions in Italy, especially in Rome and Milan, for over four years. The organization continues to receive reports of evictions of settlements carried out in violation of international standards,⁶⁴ and which result in people being left homeless. In the organization's experience, these families end up rebuilding their shacks somewhere else, often in even more precarious conditions. Residents of authorized camps are not immune from becoming victims of forced evictions, as the case of Tor de' Cenci shows above. Forced evictions disproportionately affect Roma, 40,000 of whom are estimated to live in camps. In the organization's experience, evictions of camps in Italy tend to be forced evictions, carried out in violation of international standards.⁶⁵

In Rome, the vast majority of residents of authorized camps have been transferred to them in the course of the last 15 years following decisions of Rome municipal authorities, typically after a forced eviction.⁶⁶ Amnesty International's interviews with former residents of Casilino 900, a large settlement evicted and dismantled in February 2010 as part of the “Nomad Plan”, consistently indicate that they were victims of a forced eviction. Notwithstanding months of negotiations, many families who had been living there for decades were transferred without procedural safeguards which would have allowed them to challenge the eviction, and were offered as only alternative a resettlement in one of the existing authorized camps or in a public shelter (Salone, Candoni, River and Gordiani Camps and via Amarilli centre). Over 600 people from Casilino 900 were added to the pre-existing camps.⁶⁷ The evictions of the settlements of La Martora in July 2010, (of approximately 350 people), of Tor di Quinto in July 2012 (approximately 300 people), and of Tor de' Cenci, described above (about 380 people), were all carried out without genuine consultation, without procedural safeguards and without the offer of adequate accommodation. All these people, many of them Italian citizens, EU citizens and regular migrants, were arbitrarily segregated in authorized camps.

THE CASE OF KATY

Katy, a resident of Castel Romano spoke to Amnesty International in June 2013. Her story is far from unique:

"I am from Bosnia. I have lived in Italy for 40 years. My nine children are Italian, they got their citizenship at 18. The oldest is 32 and the youngest is eight. We live in three containers, five per container, including the daughters-in-law. My daughters, who are married, live in other containers in Castel Romano with their husbands' families. I take the children to school with Arci. I used to live under the Marconi Bridge, then in vicolo Savini. And then we were evicted and taken here on 14 September 2005, the worst day of my life.

"It was raining. We had lived in vicolo Savini for 18 years! They did not have the right to move us. They were building Roma 3 and they promised us work to persuade us to move. They gave us 'civil protection' tents (protezione civile). There was mud everywhere. We were like animals. And there were animals, we still have them around here, the boars! I had a three-month-old daughter. It was raining inside the tent, the bed was wobbling. We lived in a tent for seven or eight months. Then the offices of the camp were put up, and then they paved the area and brought in the containers. For three years they gave us small jobs to maintain the camp, €400 per month for a family of seven or eight people. It was OK, prices were lower.

"We are Roma, but not nomadic. We have been in Rome for a long time. We have already suffered enough. We wish to have a house. We want to pay for the rubbish collection, the electricity, like all citizens, but to live in dignity."

The prohibition on forced evictions is an essential element of the right to adequate housing, recognised under article 11 of the ICESCR. The Covenant requires states to use all appropriate means to promote the rights enshrined in the Covenant, including to adequate housing. Protection against forced evictions is also provided by Article 8(1) of the European Convention on Human Rights which states: "Everyone has the right to respect for his private and family life, his home and his correspondence."

Italy's failure to uphold the prohibition of forced evictions has been repeatedly criticized by international human rights bodies. CERD in its Concluding observations on Italy in March 2012 noted: "The Committee deplores the targeted evictions of Roma and Sinti communities which have taken place since 2008 in the context of the NED [Nomad Emergency Decree] and notes with concern the lack of remedies provided to them despite the ruling of the Council of State in November 2011 annulling the NED. It is concerned that forced evictions have rendered several Roma and Sinti families homeless... The Committee encourages the State party to take the necessary measures to avoid forced evictions and provide adequate alternative housing to these communities."⁶⁸

The European Committee of Social Rights, in its decision on the merits in the case of Centre on Housing Rights and Evictions (COHRE) against Italy of 25 June 2010, found: "...evictions of Roma and Sinti continue to be carried out in Italy without respecting the dignity of the persons concerned and without alternative accommodation being made available."⁶⁹

CESCR considers that the adoption of legislation against forced evictions is an essential element to guarantee effective protection. According to the CESCR, "Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the

circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards the Government greatly reducing its responsibilities in the housing sector, States parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant."⁷⁰

Italy does not have legislation containing the elements identified by the CESCR, nor are there policies and guidelines directed to the agents carrying out evictions reminding them of their obligations. The National Office against Racial Discriminations (UNAR) produced an article in 2013 detailing relevant standards and obligations, which could form the basis for such official guidelines.⁷¹

It is important to underline that the state obligation to ensure respect for the right not to be forcibly evicted is not dependent on available resources by the state and it is an immediate duty. Although carrying out evictions is expensive and local authorities have used considerable resources to evict Romani families, at the same time, they also claim that a lack of resources was preventing them from providing housing support to those in need.

Amnesty International urges Italy to stop forced evictions as a matter of urgency. The organization further recommends that Italy adopts legislation and official guidelines in line with international standards for the lawful carrying out of those evictions which cannot be avoided. The guidelines, whose adoption could be fairly rapid, should be officially distributed to all agents of the state who may be involved in implementing evictions.

FORCED EVICTIONS STILL ONGOING

The practice of forced evictions is continuing under Rome's new municipal administration. On 12 September 2013 Amnesty International and other NGOs witnessed the eviction of a settlement of about 120 Romani people, including scores of children, in Via Salviati, in the east of Rome. In July 2013, these people had left the camp of Castel Romano, which was the only accommodation offered to them following their forced eviction from the settlement of La Martora, in July 2010. They settled in shacks near the "tolerated" camp of via Salviati. On 5 August 2013, the mayor of Rome issued an ordinance requiring that the new settlement of shacks be removed for health and safety reasons and once again offered the families a return to Castel Romano as the only alternative. In the following weeks, the families wrote to the mayor and asked for a different option, explaining they could not accept life in Castel Romano, due to its isolation and because of tensions among different Romani communities. Eventually, the municipal authorities ordered that the eviction go ahead. The options offered to the community at the time of the eviction on 12 September 2013 were again returning to Castel Romano where the municipality committed to increase measures to guarantee their safety, or moving to a municipality temporary shelter. The community refused both options and, after the demolition of their shacks, the Roma slept in the open. Several of these families were still there, homeless, at the time of writing.



Forced eviction of families living in the informal camp of Via Salviati, Rome, 12 September 2013. Over 500 forced evictions were reported in Rome in the past five years. Both images © Amnesty International



5. THE EXCLUSION OF ROMA FROM SOCIAL HOUSING IN ROME

“After 12 years, I do not know anymore what the problem is. I took all the steps, I sent all the applications.”

Georgescu Vassile, a resident of Candoni authorized camp, Rome, June 2013

For well over a decade, Romani families living in camps who have applied for social housing⁷² in Rome have virtually never stood a chance of being allocated a dwelling, despite the gravely disadvantaged housing conditions they were living in, as they have been unable to acquire sufficient points under the prioritisation system in force since 2000. Though the criteria for allocating social housing in Rome between 2000 and 2012 may not have been designed to exclude Roma living in camps, this has been their effect. The de facto exclusion of Roma living in camps from social housing in this period therefore constituted indirect discrimination. When the prioritisation criteria were changed in 2012, the indirectly discriminatory barriers were ostensibly removed. It appeared, initially, that Roma living in camps would at last enjoy equal access to social housing according to their needs. The hope was short-lived. The municipality was quick to clarify that the relevant revised criterion did not in fact apply to Roma living in camps at all. As a result, a discriminatory social housing system that may have evolved inadvertently now risks being perpetuated by design.

The vast majority of Roma that Amnesty International has spoken to in the last few years have had enough of life in camps and the discrimination that condemns them to it. They want proper homes, as some of their stories show.

THE CASE OF MIRIANA

When Amnesty International interviewed **Miriana Halilovic** in the camp of Salone in June 2013, she was two weeks away from delivering twins. She already had two sons, aged 11 and four and a half. “There will be six of us in here,” and showed the researchers two tiny bedrooms and the central kitchen/dining area of her mobile home. “I wanted to ask for social housing already when I was in Casilino 900, but I did not have all the documents needed. Then they closed the lists for a long time. I kept going to ask, from one office to the next. I applied at the beginning of this year, when the new public offer was issued. Now I have the receipt and I must wait. In July, I will update the application, to tell them that I have two more children. The mobile house is tiny, six by two metres. I want my children to have a stable life, not like mine. Even if they put us in the outskirts, that would be OK. I know that there are many empty social houses. It is not right.”



Miriana Halilovic in her mobile home in the camp of Salone, Rome, June 2013. She applied for social housing in early 2013.

© Amnesty International

Miriana's parents are from Bosnia, but she was born in Italy and has never been there. She completed her compulsory education and had a couple of jobs. "When I was a young girl, I was a shop assistant, paid daily, for 18 months. Then I became gravely anaemic and for two years I couldn't work. Then I got married. I looked for a job again after getting married. I went to some interviews, I took my CV, but I was never called back. I try not to look Romani. At one job interview they asked me if I was Romani. They never called me back."

After getting married, at 17, Miriana moved to Casilino 900. She was forcibly evicted from there in February 2010 and transferred to Salone. "I did not want to leave. I asked to be moved to the camp of via Gordiani, because my child's school was near there. But the authorities refused. Here in Salone I can never be quiet. When they moved us from Casilino 900 they told us it was for a short time. Now I have been here for three and a half years. Here we are isolated from the whole world. The air is bad and the sewers are always blocked. We had a Hepatitis A epidemic in 2012. I ran away to my mother's. There were lots of ambulances in the camp. More than 15 children got sick. They missed school. The problem here is that you can never leave the container. People break in and steal. I was even thinking to go and occupy a house. But you need to have somebody behind, somebody supporting you. My little one keeps asking: 'when do we go away from here? Why do we not have a house?' I am an Italian citizen, I got my citizenship at 18. We cannot live like this. What should I tell my son? That other people are better than us?"

THE CASE OF CANDONI AND CASTEL ROMANO RESIDENTS

In June 2013 Amnesty International visited the camp of Candoni. Some of the long-term Romanian residents were keen to explain that they wanted out of the camp.

Georgescu Vassile arrived in Italy from Romania, with his wife, in 1999. He has acquired Italian citizenship. He is a baker. "I applied for social housing in 2001, I got eight points in the old list, too few. The problem was that I did not have the points awarded in virtue of eviction from private accommodation. Then I applied again this year, with the 2012 public offer and I am waiting. Here the children get bad habits. We have three families in one container, because two of my sons are married and I have three grandchildren. My children have Italian citizenship. When we arrived from Romania we stayed in Casilino 700 for one year.⁷³ I found a job quickly, as a baker and delivery man. I told the truth to my employer, that I was Romani and lived in a camp. He came to the camp to check on me. He was afraid. We thought about renting, but it is so difficult. For 11 people, we would need to pay €1,000. If you add expenses, it is €1,500. We cannot afford it. We only have two salaries. We can live better than this. This is not a normal life. There is no peace here. We are too many now. Marino, the new mayor, came to Candoni. He asked me why I am still here. He said it is difficult to get a house. It is important to have objectives. If one sees that some of us can make it, it is an incentive. We have been like this for thousands of years, we are nowhere, we are and we are not."

Ion Bambalau, another resident of Candoni, also from Romania, lived in Casilino 700 for six years. "Boldrini (the current speaker of the lower house and former spokesperson for UNHCR in Italy) came to visit us then. They moved us here in Candoni in 2000 and we immediately asked for social housing. In Romania we lived in houses. Now there are over 1000 people in Candoni. Marino promised me he will come back to Candoni within the first 100 days of his mandate. If we could live in a block of flats, we would try to get the respect of neighbours, so they would defend us."

Nestor, a Bosnian national with a work permit, residing in the camp of Castel Romano, also applied for social housing, twice between 2000 and 2006, but never got high enough on the list. He lives with his wife and seven children, including twins aged one: "I want to make another application, but I have not done it yet with the new public offer. I am tired. I have lived in this camp since 2005. At the beginning we stayed in a tent for six months. We were evicted from a settlement in vicolo Savini. They told us that if we came here they would give us work. We have three containers now, but I would prefer a proper house, it would be more comfortable. Very few Roma live in social housing."

The exclusion of these families from the social housing system came about as a consequence of the discretionary choice of the municipality to prioritize families in certain disadvantaged situations; in 2000 the Rome municipality set criteria that could only extremely rarely apply to Romani families. The choice to prioritize families lawfully evicted through an administrative or civil law procedure resulted in the indirect discrimination of Romani families. Though many had been evicted several times and were living in appalling conditions in camps, they had virtually never been evicted through lawful procedures ending with an administrative or court decision they could exhibit as evidence of their having lost a home.

For the Roman authorities, the housing need of the city's Roma were in any case already being taken care of – in camps. Successive administrations have continued to cling to the belief that camps are the most appropriate housing solution for Roma, who have repeatedly, as the title of 2008 plan showed, been considered and treated as nomads. This convenient misrepresentation of the Roma's lifestyle and desires has allowed a discriminatory, two-track

housing system to flourish – whereby ordinary Italians evicted from their homes can at least hope for social housing, but Roma who have been evicted from theirs cannot.



Georgescu Vassile, Candoni camp, Rome, June 2013. He applied for social housing for the second time in early 2013.
© Amnesty International

HOW SOCIAL HOUSING ALLOCATION WORKS

Social housing is regulated at the regional level. Regions determine in regional legislation the eligibility requirements to apply for social housing, which tend to be the same in all regions, although regions apply them in a more or less restrictive form: these are typically income below a certain threshold, a residential or occupational link with the region, and Italian or EU citizenship or other citizenship provided the applicant has long-stay permit of residence. These requirements must be met in order for the application to be processed. Regional legislation also determines the application and allocation procedures for social housing, as well as the rent levels to be paid by families in social housing, and the criteria according to which families should be prioritized.

34 Double standards

Italy's housing policies discriminate against Roma

The discretion of municipalities plays a significant role in how the social housing system works in Italy. Each municipality in a region implements regional legislation's rules and procedures by issuing regular public offers of social housing. Within the regional legislative framework, municipalities have discretion as to how they rank the criteria according to which families should be prioritized, in order to adapt them to the local needs. In public offers, criteria are assigned a certain value or number of points. Municipalities are also responsible for issuing the list of applicants in order of priority, after dedicated commissions (generally composed of officials of the municipality) have assessed each application and determined the overall score to which a family is entitled. The overall score is determined by the sum of the points assigned to each criterion which a family or individual meets. Because of the discretion which municipalities have to rank criteria, municipalities effectively determine which categories of people will be prioritized in the allocation of social housing.

Lazio Regional law 12/1999⁷⁴ governs the relations and respective competences of the region and the municipalities with regard to social housing, and the role of the bodies managing social housing dwellings. In broad terms, the region has co-ordination, guidance and control functions, while municipalities check the possession of the requirements to apply for social housing, issue public offers of social housing, create the commissions which assess applications and issue lists of applicants in order of priority. The bodies managing social housing are tasked with the management of the social housing stock, including collecting and maintaining residents' data, regularly checking income levels and initiating evictions procedures, where required.

The regional law determines the requirements for accessing social housing and the reasons which determine the loss of the right to remain in social housing accommodation. In Lazio, the requirements to apply for social housing are: having Italian or EU citizenship or, for citizens of non EU countries, having been issued with a long-stay permit (carta di soggiorno o essere regolarmente soggiornanti) and being in employment or registered unemployment; having registered residency or prevalent work activity in the municipality where the application is made; having an income up to a certain limit determined by the region⁷⁵; not owning or otherwise having an adequate accommodation in the municipality where the request is made and not having been assigned a dwelling built with public funds.

Regional regulation 2/2000⁷⁶ implements Lazio Regional law 12/1999, including by detailing the procedures according to which municipalities issue public offers of social housing and create the commissions which examine applications and issue lists of applicants in order of priority; and by describing the priority criteria to be assigned social housing. The municipality will then attribute a score to these criteria in the public offer and will prioritize applicants on the basis of the highest overall score they achieve by summing the scores of each criterion they meet.⁷⁷

ROME: DISCRIMINATION IN THE PUBLIC OFFERS OF SOCIAL HOUSING OF 2000 AND OF 2012

*"There is no alternative solution to camps. Furthermore, there is no intention to create preferential routes to give houses to Roma, discriminating against Italian citizens in the lists. They can forget about them."*⁷⁸

Sveva Belviso, former deputy-mayor of Rome, September 2012

In the last 13 years the municipality of Rome issued two public offers of social housing, one in 2000, whose list was closed on 31 December 2009, and the most recent one which opened on 31 December 2012. In the three years in between nobody had the possibility to apply, regardless of the urgency of their housing needs.

The 2000 public offer prioritized families who had been lawfully evicted through an administrative procedure for public interest reasons or through a civil law procedure from private accommodation.⁷⁹ It was virtually impossible for families who could not claim to have been evicted in this way to reach the score required to have a reasonable chance of being assigned one of the very few social housing dwellings available. Amnesty International expressed concern about the indirectly discriminatory effects of this criterion on Romani families already in 2010, noting that many Roma experience evictions from camps, rather than from private accommodation, in many cases leaving them homeless, and hardly ever through a procedure with legal safeguards.⁸⁰

When the new public offer of social housing was issued on 31 December 2012, Romani families and NGOs working for Roma rights noted that this time priority criteria had been graded in a way which could give Roma a real chance to be given a home. The criteria included prioritizing families in gravely disadvantaged housing conditions, and not only those evicted from private accommodation.

The new public offer⁸¹ gives highest priority in assigning social housing to families living in greatly disadvantaged housing conditions, certified by the authorities, and who:

1. (Category A1) Have lived for at least one continuous year on the date of application in centres, public dormitories or any other appropriate structures temporarily provided by organs, institutions and recognized and authorized charitable organisations dedicated to public assistance;
2. (Category A2) Are economically assisted by social services and have been living for at least one year in greatly disadvantaged housing conditions having found temporary shelter in inadequate structures (with no basic services).

Scores of Romani families living in authorized camps applied for social housing. For many of them, this was the second or third time.⁸² When Amnesty International delegates visited the camps of Candoni, Castel Romano and Salone in March and June 2013, many families showed the recorded letters received from the municipality in response to their applications. According to a local NGO, Associazione 21 Luglio, hundreds of people living in authorized camps might be interested in applying and meet the legal requirements needed to do so. For others, applying would be impossible, as they are de facto stateless or have no registered

residence or have a residence permit for one year only.

Soon after its publication, the public offer generated considerable controversy as Category A1, especially, would appear, on its face, to apply squarely to Romani families currently living in the authorized camps of Rome. Local politicians and representatives of municipal institutions publicly attacked the public offer for favouring Roma, despite these conditions of priority having been directly approved by municipal authorities, through Decision 302 of the municipal council of 25 October 2012.⁸³

In an attempt to exclude Romani families living in authorized camps from claiming Category A 1 points, on 18 January 2013 Rome's housing policies department, office for housing support interventions issued an internal circular with clarifications regarding the public offer.⁸⁴ The circular stated that the previous list of applications for social housing remained in force and that social housing units which became available would be assigned alternately to those ranking highest in the two lists – the old and the new, yet to be issued, list – as provided for by Lazio Regional law no. 12 of 2012. It also stated that “nomad camps” could not be considered as matching the situation described in Category A1 as they should be regarded as permanent structures. According to a local NGO, social services offices 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. This advice may have deterred some families from even applying, as it is well known that applicants who cannot reach a very high score have no real chance of ever being assigned a home.

On 30 January 2013, the then-deputy mayor Sveva Belviso went further, and stated publicly: “To clarify things I ... reiterate and underline that this administration, from the outset and today, has never envisaged preferential or direct access to social housing for Romani citizens. Our national law foresees that every citizen who has the right to do so and the necessary requirements can apply to be included in the lists. These essential requirements are not currently attainable by Roma.”⁸⁵ This was in line with her previous statement in September 2012 (above).

This discriminatory and prejudicial approach to Roma was subsequently reinforced by similar declarations by then-councillors of Rome municipality, keen to make it clear that the municipality had not planned and did not intend to allow Roma from authorized camps to access social housing.⁸⁶

The justification offered by the 18 January 2013 circular that authorized camps cannot be included in the circumstances described in Category A1 fails to mask its obviously discriminatory intent. The statement that “nomad camps” should be regarded as “permanent structures” is ambiguous. It does not clarify whether the notion of “permanence” is meant to be attributed to the physical infrastructure of camp or to the tenancy rights to a housing unit in a camp. If the former, defining camps as permanent structures is irrelevant to the criteria set out in Category A1, since points are given based on the temporary allocation of the housing unit. If the latter is meant, that is if the 18 January 2013 circular states that the allocation of a housing unit in a camp is permanent and offered as a permanent housing solution, then the circular blatantly contradicts several official documents that stress that the allocation of housing units in camps is temporary, including:

- The 2009 regulation for authorized camps in the Lazio region, whose Article 3 states that "admission to the village involves the temporary assignment of a housing unit, which also may be prefabricated or self-constructed, or of a parking place for caravans or housing units". Articles 3.4 and 3.5 affirm that "authorizations for the admission and stay in the villages have two years' validity" and may be extended for two more years. Finally, the Department for Social Policies "may allow a further two-year extension to complete socio-educational integration activities".⁸⁷
- The regulation on temporary stay in authorized camps for nomad communities in Rome municipality⁸⁸ of 15 January 2010, which "establishes, for the nomad communities in the Municipality of Rome, the terms of temporary stay in authorized camps".⁸⁹
- The agreement between the municipality of Rome and the association 'Isola Verde Onlus' governing the management of the authorized River Camp of 13 November 2009, where it is stated: "Guests should be always reminded that their stay in the camp is temporary. It is an accommodation only provided in order to prevent emergency situations, and guests must use this time to look for another permanent and autonomous accommodation, in accordance with the rules on residence permits in Italy. For this reason, it is established that reception and stay at the centre are allowed only for a minimum period of six months to a maximum of twelve months, and may be extended only due to a guest's particular circumstances if agreed by the manager of the centre".⁹⁰
- The 2012 agreement signed by Rome municipality for the management of reception services in the authorized camp of La Barbuta, whose Article 1 states: "Residence in the camp is temporary. In no case are guests assigned a stable and long-lasting accommodation, except for the time necessary to families to find autonomous housing solutions, with the support of social assistants available in the camp".⁹¹

Lastly, the temporary nature of accommodation of Roma in camps is described in the National strategy for Roma inclusion: "Created to meet emergencies and with the objective of temporarily hosting people in transit, the housing structures of camps cannot meet the needs of families who have always lived a sedentary life, and they easily become places of degradation, violence and abuse; and in many cases the intervention of municipal authorities for the creation of 'nomad camps' and the social support of the families living there, have been inconsistent, un-coordinated, led by emergencies or unsustainable in the long-run".⁹²

Amnesty International interviewed the director of the operational unit for housing support interventions, department of social housing of the municipality of Rome, author of the 18 January 2013 circular. She stated: "Camps are permanent structures but the assignment is provisional and because of their culture the nomads wander. Romani families with many children or living in 'residences' will have many points anyway. The 'residences' are not permanent structures."⁹³

She went on to indicate the real reason behind the exclusion of Roma: "There are no houses for us! And we give homes to migrants (extracomunitari) who have more children and lower incomes. We are penalizing Italians! I did not consider the problem of nomad camps at all when drafting the new public offer."⁹⁴

According to data provided by the housing body of Rome, Ater, which owns and manages 50,000 social housing dwellings in Rome (a further 10,000 dwellings are owned by the municipality and managed by a private company), at the latest census in 2012, out of 104,548 residents in the 50,000 properties of Ater, 3,591 were foreigners (EU and non EU citizens), or 3.43%.

Ater also told Amnesty International that no more than 10 Romani families are currently residing in their properties (amounting to 0.02%), all having been lawfully assigned their dwelling. Ater reported that there are integration problems of these families with the neighbours and noted that the municipality does not take any steps to facilitate settling in for families who may need it when they first enter social housing dwellings.⁹⁵

The applications for social housing received in the first six months of 2013 are being assessed at the time of writing. It is not known whether the commission which is reviewing the applications will apply the guidelines contained in the 18 January 2013 circular and refuse to grant the points of Category A1 to the families living in authorized camps, or whether it will take a different view, which it has discretion to do. Because the competition for the very small number of dwellings available is going to be extremely strong, that decision will be significant.

On average, in Rome in recent years only about 250 social housing dwellings are assigned every year (including new purchases and what becomes available as a result of natural turnover).⁹⁶ Turnover is very low, about 100 dwellings per year.⁹⁷ Moreover, approximately 2,000 families are still waiting to be assigned a home, according to the latest list of social housing applicants, updated to 31 December 2009, in spite of being given the maximum score of 10 points. These were families who had applied in response to the public offer of 2000, whereby the maximum score of points was given to families who had been lawfully evicted from their home. The director of the operational unit for housing support interventions of Rome's housing policies department told Amnesty International that the 2012 public offer should never have been issued, because of the lack of dwellings to assign and because there was a large number of people who were still waiting from the closed list: "By law we had to issue a new offer, but one should not issue an offer with no houses. These days we are getting back some two properties per week, and often they are already illegally occupied."⁹⁸

Tenants' unions, representatives of the municipality and Lazio region, interviewed by Amnesty International, gave Amnesty International a consistent and broadly similar assessment of the entrenched housing crisis of Rome, which affect Roma but also thousands of non-Romani families.⁹⁹ Upholding the right to adequate housing for all in such circumstances is undeniably challenging. However, there can be no excuse for perpetuating segregation and maintaining a two-track social housing system, as Italy has done over many years.

Back in 2004 the CESCR expressed concern "about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma, in renting or obtaining public housing, owing to discrimination" and urged Italy to "take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma" and 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 and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants.”¹⁰⁰

In 2011, the European Committee of Social Rights, in its conclusions concerning article 31 of the Revised European Social Charter in respect of Italy, with reference to affordable housing, noted: “The Committee concludes that the situation in Italy is not in conformity with Article 31§3 of the Charter on the grounds that: ... it has not been demonstrated that resources have been invested with the effect of improving in practice access of Roma and Sinti to social housing without discrimination.” The Committee went on to add that this ground of non conformity is the one which led to the finding of violation in *ERRC v. Italy* back in 2005, where the Committee had concluded that there had been a violation of Article 31§3 on the ground that Italy had failed to provide any information to show that the right of access to social housing was effective in practice or that the criteria regulating access to social housing are not discriminatory. This ground of violation, the Committee further noted, corresponded to the one in *COHRE v. Italy*. In its 2011 conclusions, the Committee held that during the reference period the follow-up to the finding in *ERRC v. Italy* had been unsatisfactory.¹⁰¹

The very negative reactions of representatives of the municipality of Rome against Romani families gaining access to social housing exposes the discriminatory attitudes behind the double standards applied to Roma and non Roma in the provision of housing services and the continuing failure of the authorities to meet their international obligations.

Amnesty International is deeply concerned about these indefensible attempts by municipal authorities at perpetuating discrimination based on ethnicity in the provision of housing. For over a decade, municipal authorities in Rome have developed and insisted on a system of segregated, authorised camps as the appropriate, indeed only, solution for its long-term Roma population, who cannot afford private accommodation. They have also indirectly discriminated against Roma by failing to ensure equal access to social housing in the public offer open between 2000 and 2009, by prioritizing criteria for allocation which Roma living in authorized camps could never meet. Finally, since the new public offer of social housing opened on 31 December 2012, municipal authorities have attempted to directly discriminate against Roma applying for social housing. The guidelines in the 18 January 2013 circular, interpreting priority criteria in the public offer, aim to prevent the acknowledgement in the scoring system of the gravely disadvantaged living conditions Roma endure. Amnesty International considers that such discriminatory policies contravene Italy's obligations under international human rights law and EU anti-discrimination legislation.

Roma people in Rome continue to be segregated in authorized camps. The end of such segregation can only be achieved if Romani families living in authorized camps are allowed equal access without discrimination to other forms of housing, including social housing.

Amnesty International urges the mayor of Rome to ensure that nobody is discriminated against in accessing social housing in Rome, including by withdrawing the interpretation of the public offer currently open provided in the circular of 18 January 2013.

40 **Double standards**
Italy's housing policies discriminate against Roma

Amnesty International urges the national government to progress with the implementation of the 2012 National strategy for Roma inclusion, in particular by taking measures to review the obstacles to Roma's access to social housing and to ensure their effective access (as foreseen under Specific Objective 4.1 of the National strategy).



A mobile home in Candoni camp, Rome, June 2013. When the Casilino 900 camp was closed in 2010, about a hundred of its residents were transferred to Candoni, where a total population of almost 900 is currently housed. © Amnesty International

6. THE RIGHT TO HOUSING IN ITALIAN LAW

The discrimination in accessing adequate housing, including social housing, suffered by Romani families in Rome has been largely caused by municipal authorities' policies and practices. Such policies and practices, however, have been contributed to by failures of the national government to uphold the right to adequate housing for all without discrimination.

As a state party to the International Covenant on Economic, Social and Cultural Rights¹⁰² and the Revised European Social Charter¹⁰³, Italy is legally obligated to respect, protect and fulfil the right to adequate housing, as part of the right to an adequate standard of living. Other international human rights treaties, to which Italy is also a party, recognize or refer to the right to adequate housing or some elements of it, with particular reference to specific groups.¹⁰⁴

The right to adequate housing requires Italy to: ensure that people are able to exercise their right to housing without discrimination of any kind; refrain from forced evictions and the arbitrary destruction and demolition of one's home; protect people from arbitrary interferences with one's home, privacy and family; ensure the right to choose one's residence, to determine where to live and to freedom of movement; and adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to ensure the full realization of the right to adequate housing. Italy must prioritize the realization of minimum essential levels of housing for all persons, and prioritize the most disadvantaged groups in all programmes and while allocating resources. Italy is also required to guarantee the right of people to participate in and be consulted over decisions that will affect their lives, and to provide an effective remedy if any of these rights are violated.¹⁰⁵

This section assesses national legislation on the right to adequate housing against Italy's international obligations.

The right to adequate housing is not expressly mentioned in the Italian Constitution. However, since the late 1980s the Italian Constitutional Court has consistently affirmed that there is an inviolable right to housing, stemming from the principle enshrined in article 47, whereby Italy promotes the access through citizens' mutual savings to the ownership of housing; from the general guarantee of inviolable rights in article 2; and also, more broadly, from the fundamental features of the democratic state, which promotes and protects the welfare of its citizens.¹⁰⁶ The Constitutional Court therefore recognizes the right to housing, intended as a right to have measures adopted to facilitate access to housing for the disadvantaged, and which must be balanced with other rights, such as to property.

On the tension between the financial implications of the right to housing and the limited financial resources available, in line with international law on the progressive realization of economic, social and cultural rights, the Constitutional Court has upheld in sentence 252 of 1989 a principle of gradual realization: "as every social right, even the right to housing tends to be realized in proportion to available resources for society; only the legislator, measuring

the available resources and the interests which can gradually be satisfied with those resources, can rationally relate ends and means and articulate justiciable rights, expression of fundamental principles.”

2001 REVISION OF THE CONSTITUTION

In 2001, the Section V of Part II of the Constitution, entitled Regions, Provinces and Municipalities, was reviewed to strengthen regional autonomy and decentralize decision-making (law no.3 of 2001). In the revised text, the state has exclusive legislative power as to the “determination of the essential levels of services regarding civil and social rights, which must be guaranteed on the entire national territory” (article 117(2)(m)). Social housing is not listed among the subjects on which the state has exclusive legislative power (article 117(2)), or among those where there is a concurring legislative competence of state and regions (article 117(3)). All subjects which are not expressly mentioned as reserved for state legislative power come under the residual competence of regions (article 117(4)).

The revised constitutional provisions left room for differing interpretation by the regions and the national government as to which institution had competence over specific aspects of the vast subject of social housing. The Constitutional Court finally concluded in sentence no. 94 of 2007 that the complex subject of social housing (which touches on urban development and planning, public works and provision of housing services) comprises different areas: planning of social housing areas is of concurring competence of state and regions, while management of the social housing stock, through housing bodies accountable to regions, is exclusively under the competence of regions. Importantly, the determination of the minimum offer of dwellings destined to meet the needs of the poorest, is – according to the Constitutional Court – exclusively under state competence, and is part of the determination of the principles needed to guarantee uniformity of allocation criteria throughout the national territory.¹⁰⁷

Following the 2001 review of the Constitution, the “essential levels of services regarding civil and social rights” have acquired constitutional value. However, the state has so far failed to determine in law what these essential levels are, not only in housing but also in social assistance. The content of such essential levels has not been defined, leaving individuals unable to claim their rights. The failure of the state to determine in law these essential levels has also allowed regions to exercise their discretion in the provision of housing, which has resulted in disparities leading to differences of treatment.¹⁰⁸

The state has an obligation to balance regional autonomy and the guarantee of a uniform standard in the enjoyment of rights in the whole national territory. It is for the state to determine what the essential minimum levels of enjoyment of such rights are to preserve the dignity of the person. This view was confirmed by the Constitutional Court in sentence n. 166 of 2008, according to which: “the minimum levels of housing which are strictly inherent to the core of human dignity” must be defined by the state to avoid imbalances and disparities in the enjoyment of the right to housing by disadvantaged social categories.¹⁰⁹ The Constitutional Court’s approach is consistent with the CESCR’s approach regarding the obligation to guarantee to all the minimum core content of rights, so that nobody can fall through the safety net or be subjected to discrimination.

The identification of some criteria to access social housing, which according to article 60 of

Decreto legislativo no. 112 of 1998 is within the competence of regions, should in fact be regarded as essential to avoid unreasonable and unjustified disparities of treatment among citizens and citizens and foreigners. In addition, the essential levels of services, which are intended to define the core content of rights pertaining to the dignity of the person, cannot be applied only to citizens, but are relevant also for foreigners (including those Roma who are not Italian citizens).

Administrative courts, such as the Lombardy regional tribunal, have maintained that to grant equal and uniform access to the poorest to the essential levels of services, the state should determine who the people in economic, social and housing disadvantaged conditions are, including as to income level and housing situation.¹¹⁰

Commentators identify the main reason for the failure of the state to identify the essential levels of services in the lack of economic resources and in the concern that if essential services were clearly defined, public institutions would be clearly seen to be unable to fulfil them.¹¹¹

Scarcity of economic resources does require a careful selection of the level of services to be offered nationwide, but it cannot justify a failure to determine the services that must be provided without discrimination within available resources. The duty of non-discrimination is under international law an immediate one, regardless of resources. All provisions granting an advantage for being allocated social housing on the basis of citizenship or rendering access to social housing more difficult through prolonged residency requirements should be considered unlawful, as well as apparently neutral requirements which have a discriminatory effect on a certain category.

In the matter of social housing, the determination of principles to inform rules and procedures regarding access, should aim to guarantee an equal and consistent enjoyment at an essential level of the right to adequate housing in the country and also to give local authorities a framework to ensure that regional and municipal legislation is consistent with international human rights law and the EU Race Equality Directive.

Amnesty International urges Italy to determine and ensure the implementation of the essential levels of housing which should be provided nationwide without discrimination. A first step should be a review of current requirements and criteria for allocation of social housing at regional level and of their impact on Roma and other groups, as provided for in the National strategy for Roma inclusion under Specific Objective 4.1.

7. CONCLUSIONS

In June 2013, Amnesty International asked Katy, a resident of Castel Romano what she would say to the mayor who had just taken office if she met him. She had some clear recommendations.

1. "Our young people must have a job to maintain their family and the elderly;
2. "Those among us who are integrated must be given a chance to live in a house. If there is criminality, there is the law. But not all Roma can be blamed for what a few Roma do. Not all Italians are guilty!
3. "Elderly Romani women, who are alone, must be helped with medicines and social assistance.

"What are we supposed to live off? Air? Begging? Theft? The mayor should understand that my children voted with their heart, that they want a house, a job. This is not blackmail. We are citizens."

The exclusion of Roma living in camps across Rome from social housing is discriminatory and has to end. The provision of inadequate housing in segregated camps breaches Italy's obligations under its own constitution and under international law.

While Amnesty International's research focuses on ending the discrimination against Roma in access to adequate housing, including social housing, the organization believes that all people have an equal right to adequate housing and that the authorities have obligations to respect, protect, and fulfill this right for all. The economic crisis in Italy has led to an increased demand for social housing but state and regional policies over the last 30 years have worsened the situation. There is a bigger work to repair the damage to Italy's social housing policies to ensure that rights of all in need can be met. There cannot in the meantime, however, be any excuse or justification for discriminatory housing policies that are rooted in prejudice and perpetuating the social exclusion of Roma. The new Mayor of Rome has a chance now to change this. It must not be missed.

8. RECOMMENDATIONS

In light of the findings set out in this report, Amnesty International makes the following recommendations:

A. TO THE ITALIAN GOVERNMENT:

- End discrimination in the provision of adequate housing, including by determining the essential levels of housing which should be provided to all, including Roma, throughout the national territory, in a manner fully consistent with Italy's obligations under international human rights law
- Review the current national housing plan and ensure it responds to housing needs, it prioritizes the most disadvantaged, and it is funded with the maximum of available resources to ensure the progressive realization of the right to adequate housing for all
- Review and amend national housing legislation, policies and practices to: remove discriminatory obstacles for Roma and other marginalized groups to access social housing; ensure that they comply with Italy's obligations under the EU Race Equality Directive which requires that there is no discrimination in the provision of housing and related services; and ensure that those in need of it are provided with assistance and support to apply for social housing
- Take all necessary steps to 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
- Implement the National strategy for Roma inclusion without delay and with appropriate resources, including as regard to housing
- Adopt and disseminate without delay guidelines for state officials and local authorities aiming to ensure that policies and practices affecting Roma are in line with international human rights law and consistent with the National strategy for Roma Inclusion

B. TO THE LAZIO REGION:

- Contribute to the implementation of the National strategy for Roma inclusion in particular with regard to reviewing access of Roma to social housing and eliminating any discriminatory obstacle
- Ensure that the maximum of available resources are devoted to social housing to guarantee the progressive realization of the right to adequate housing for all

- Include in regional legislation that eviction from a camp or settlement should be considered as eviction from a private dwelling for the purposes of the allocation of social housing

C. TO THE MAYOR OF ROME:

- Publicly withdraw the “Nomad Plan” and prepare a new plan to address the housing situation of Roma, which respects Italy's obligations under international law, including the EU Race Equality Directive, and is consistent with Italy's National strategy for Roma inclusion. The municipality should commit to prepare such plan as a matter of urgency, with the participation of the Romani community, and in consultation with civil society, and start consultations without delay. The key objective of the new plan should be ending segregation by establishing a proper consultative process with Roma living in camps and ensuring resources are allocated to agreed solutions to end the practice of segregation. Both the consultative process and the plans should respect international human rights law fully
- Ensure effective access to social housing by all, including Roma, and that the allocation of social housing is based on principles of non-discrimination, fairness, transparency, accountability and participation
- Eliminate any discriminatory obstacle in the access to social housing, including by withdrawing the 18 January 2013 circular in the part suggesting that Roma residing in authorized camps should not be allowed to claim the score attributed to Category A1 of the public offer of 31 December 2012
- Take measures to increase the offer of social housing for the most disadvantaged
- Upgrade as a matter of urgency housing conditions in authorized camps, to ensure that they meet adequate housing standards as defined in international law, in consultation with residents. Although Amnesty International considers that segregated camps should be discontinued, for so long as they are in use, housing in camps should be of an adequate standard and measures should be taken to mitigate against the segregation of their residents
- Stop forced evictions and disseminate to all officials involved in evictions, including municipal police, guidelines describing international standards for carrying out evictions

D. TO THE EUROPEAN COMMISSION:

- Start an infringement procedure against Italy for breach of Article 3(1)h of the Race Equality Directive

ENDNOTES

¹ ISTAT, "La situazione del Paese", *Rapporto annuale 2013*, p.7. The 2013 annual report of the national institute of statistics, ISTAT, noted that in 2012 the buying power of families fell by 4,8%, which the institute described as: "a fall of exceptional intensity which comes after four years characterized by a continuous decline (in 2011 the real income was 5% lower than in 2007, the last year in which a positive dynamic was recorded)". ISTAT also noted that families are finding it increasingly difficult to obtain credit from banks, with a reduction of loans by 20% in 2012 and of mortgages by 35%. ISTAT also underlines a further worsening of indicators for deprivation and economic difficulties of families, which had already gravely deteriorated in 2011. In 2012, people belonging to gravely deprived families were 14.3% of the total. They were 11.2% in 2011, and only 6.9% in 2010. In particular, the percentage of people declaring that they cannot afford an adequate meal every two days trebled in two years, reaching 16.6% – data confirmed by the decrease in meat and fish consumption by families. The number of people stating that they are unable to adequately heat their home doubled in two years, reaching 21.1%.

Material deprivation hit in particular people living alone or families with five or more children, of which 35.3% was deprived and 22.9% was gravely deprived. Deprivation was worse in families where the breadwinner was young, scarcely educated, not fully occupied or unemployed. Amnesty International notes that many Romani families fit this definition.

Overall, according to ISTAT the trend whereby great material deprivation is affecting not only the individuals with the lowest income, but also those with a higher income, was confirmed.

² CGIL, *Costi dell'abitare, emergenza abitativa e numeri del disagio*, 2013. CGIL is the oldest and largest union organization, with a membership of 6 million.

³ According to the 2013 CGIL study, evictions due to a delay in the payment of the agreed rent have also dramatically increased, by 100%, constituting 87% of all the eviction orders issued in 2011 (240,000 in the last five years). According to the CGIL study, data indicate that there is a particularly serious increase in evictions due to an inability to continue meeting the agreed payments. In over 35% of cases this is due to the breadwinner losing their job. Repossessions also increased sharply, by approximately 75% between 2008 and 2011, reaching almost 38,000.

Furthermore, according to the most recent data of the Ministry of the Interior, published in June 2013 and regarding 2012, the number of eviction orders issued by courts went up by 6.18% on the already very high figure of 2011, totaling 67,790 orders. Of these, 27,695 were implemented. Eviction orders motivated by delays with payments went up by 8.27%. The 2011 figures were already worrying, with 63,846 eviction orders issued, of which 55,543 motivated by delays with agreed payments, equivalent to 87% of the total, or one eviction every 394 families. Of these, 28,641 were carried out with the intervention of the bailiff. The intervention of the police to implement evictions grew by 11% between 2010 and 2011. There were 123,914 eviction requests filed with the bailiff. Between 2001 and 2007, the number of orders of eviction issued by the courts had remained roughly stable, going from 40,500 to 43,869; whereas from 2007 to 2011, the increase was marked, 45.5%. Evictions carried out with the

intervention of the bailiff between 2001 and 2011 showed a constant increase, going from 20,608 to 28.641, or 39%. Evictions carried out with the intervention of police or the bailiff generate particular concern because there is a high probability that the family involved is refusing to move voluntarily because it has nowhere to move to.

See, Ministero dell'Interno, Scuola superiore dell'amministrazione dell'interno, Ufficio centrale di statistica, "Gli sfratti in Italia, Andamento delle procedure di rilascio di immobili ad uso abitativo, aggiornamento 2011", *I quaderni della statistica*, N.1/2012,. The document is available at http://www.camera.it/temiap/dati_interno_sfratti_2011.pdf, accessed 14 August 2013. See also http://www.cgil.it/Archivio/Welfare/Politiche_abitative%5CSfratti_2012.pdf, accessed 14 August 2013.

See also CGIL, "Sfratti 2012: dai dati diffusi dal Ministero dell'Interno aumentano ancora le morosità", press release, at <http://www.cgil.it/DettaglioDocumento.aspx?ID=21083>.

⁴ The rent benefit provided to families, established in Law n. 431 of 1998, was cut. The 2012 "stability law", Law n. 183 of 2011, set the resources available for the rent benefit fund at zero with regard to the period 2012 to 2014. The fund went from €141.2 million in 2010 to €9.89 million in 2011, and finally to 0 in 2012. However, in Decree 31 August 2013 n. 102, article 6, the government approved a fresh allocation of €30 million each for 2014 and 2015. This decree provided also for the creation of a fund under the Ministry for Infrastructure and Transport resourced with €20 million each for 2014 and 2015 to support families unable to pay agreed rents in municipalities experiencing a housing crisis. Tenants' unions' assessment of these latest measures was that they were utterly insufficient. See Conferenza delle regioni e delle province autonome, *Documento sulle politiche abitative*, 13/066/CR08/C4, available at http://www.sunia.it/home/-/asset_publisher/dV4R/content/11-luglio-2013-un-importante-documento-della-conferenza-delle-regioni-sulle-politiche-abitative?redirect=http%3A%2F%2Fwww.sunia.it%2Fhome%3Fp_p_id%3D101_INSTANCE_dV4R%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D2%26p_p_col_count%3D3, accessed 23 August 2013.

See also "Decreto IMU: il testo è peggiore dell'annuncio, meno tasse per i proprietari di case sfitte e per gli inquilini la service tax e pochi spiccioli ripartiti in tre anni dal 2014. Gli sfratti per morosità incolpevole aumenteranno ed il contributo ai cittadini interessati forse arriverà quando saranno già usciti di casa da tempo. Tutto questo per togliere l'IMU a chi non ne ha bisogno. Dichiarazione di Daniele Barbieri", secretary general of SUNIA, at www.sunia.it.

⁵ Associazione Nazionale Comuni Italiani (ANCI) and Cittalia Fondazione Anci Ricerche, *I Comuni e la questione abitativa: Le nuove domande sociali, gli attori e gli strumenti operativi*, second edition, February 2010. The study quotes a 2007 document of the Presidency of the Council of Ministers, unit of strategic analysis of government policies entitled *Le politiche abitative in Italia: ricognizione e ipotesi di intervento*.

⁶ 2012 Housing Europe Review, Cecodhas Housing Europe.

⁷ In 1998 the so-called "Gescal (Gestione Case per i Lavoratori) tax" was abolished. This tax had been the main source of regular funding for social housing in Italy. The funding was never replaced. Conferenza delle regioni e delle province autonome, *Documento sulle politiche abitative*, 13/066/CR08/C4, available at http://www.sunia.it/home/-/asset_publisher/dV4R/content/11-luglio-2013-

un-importante-documento-della-conferenza-delle-regioni-sulle-politiche-abitative?redirect=http%3A%2F%2Fwww.sunia.it%2Fhome%3Fp_id%3D101_INSTANCE_dV4R%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_pos%3D2%26p_p_col_count%3D3, accessed 23 August 2013.

⁸ Federcasa, Convegno “Una casa per tutti, abitazione sociale motore di sviluppo”, 30 November 2011. Federcasa is the federation of the housing bodies, the institutions which manage the social housing stock. Most of them are accountable to the regional governments, but juridical status of these entities can vary.

⁹ *Piano regolatore sociale di Roma Capitale, Allegato 7 allo schema di piano regolatore sociale 2011-2015*, “Interventi per le popolazioni Rom”.

¹⁰ On 21 May 2008, the government used Law 225/1992 to declare a state of emergency in relation to the settlements of “nomad” communities in Lombardy, Campania and Lazio and later extended it to Piedmont and Veneto. The Council of Ministers claimed that the state of emergency was declared to address a “situation of grave social alarm, with possible repercussions for the local population in terms of public order and security”. Special powers were conferred on delegated commissioners to solve the emergency, including by derogating from ordinary laws. Amnesty International criticized this legislation and its effect in several documents, including: *The wrong answer: Italy's 'Nomad Plan' violates the housing rights of Roma in Rome* (Index: EUR 30/001/2010); and *Italy: 'Zero Tolerance for Roma'* (Index: EUR 30/020/2011). In 2008 the Sulejmanovic family, a husband and wife from Bosnia and their 13 children (all born in Italy except the oldest), together with the European Roma Rights Centre, brought a case against the “Nomad Emergency” before the Council of State. They alleged racial discrimination and other flaws in the decree and the ordinances of the “Nomad Emergency”. On 16 November 2011, the Council of State ruled that the state of emergency declared in relation to the presence of “nomad” communities in the regions of Campania, Lazio, Lombardy, Piedmont and Veneto, was unfounded and unsubstantiated. The government had not identified the specific facts that would have justified the use of extraordinary powers in relation to the alleged emergency caused by the “nomad” settlements. All acts issued by the delegated commissioners to the emergency were declared illegitimate, including the fingerprinting and photographing of everyone in “nomad” settlements, carried out under the “nomad emergency”. The Regulations issued by the delegated commissioners for the authorized camps of Lazio and Lombardy in 2009 were also ruled unlawful and in breach of the right to freedom of movement, work, privacy and family life. The government appealed against the ruling, alleging that the court went beyond its powers of scrutiny of the acts of the government. On 22 April 2013 the Italian Supreme Court upheld the November 2011 ruling of the Council of State against the state of emergency, declaring it to have been unlawful and unfounded.

¹¹ These evictions were widely reported in the local media. They are also recorded in the “Elenco campi nomadi” sent to Amnesty International by the Department for the Promotion of Social and Health Services of the municipality of Rome with letter dated 12 September 2013.

¹² Amnesty international, *Italy: Romani families unlawfully evicted from Tor de' Cenci camp, Rome* (Index: EUR 30/017/2012), 28 September 2012; *On the edge: Roma, forced evictions and segregation in Italy* (Index: EUR 30/010/2012), September 2012, p.6-10; *Italy: Roma at risk of imminent forced eviction in Rome* (Index: EUR 30/007/2012), 28 June 2012; *Roma evicted from settlements in Rome*,

Urgent Action, UA: 121/11 (Index: EUR 30/009/2011), 21 April 2011; *Italy: Stop forced evictions and provide adequate alternative housing for Roma families in Rome*, (Index: EUR 30/004/2011), 17 March 2011.

¹³ Associazione 21 luglio, *Rom(a) underground: Libro bianco sulla condizione dell'infanzia rom a Roma*, February 2013.

¹⁴ "Deportazioni, sprechi e illegittimità". Così è fallito il piano nomadi di Roma", *La Repubblica* 2 November 2012, http://inchieste.repubblica.it/it/repubblica/rep-2012/11/02/news/il_fallimento_del_piano_nomadi-45769127/

See also the recent study *Segregare costa – La spesa per i 'campi nomadi' a Napoli, Roma e Milano*, Cooperativa Berenice, e associazioni Compare, Lunaria e Osservazione, September 2013.

¹⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *National Roma Integration Strategies: a first step in the implementation of the EU Framework*, COM(2012) 226 final, Brussels, 21 May 2012.

¹⁶ See "Cutini: un piano per integrare la comunità rom" www.iltempo.it, 24 September 2013; "Rom, Cutini: 'Alleggerire i campi favorendo i piccoli insediamenti'", www.romatoday.it, 24 September 2013.

¹⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 4, para7. The CESCR is the UN committee tasked with overseeing the implementation of the ICESCR and considering states parties reports under the Covenant.

¹⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 4, para1.

¹⁹ European Committee of Social Rights, Conclusions 2003, Vol. 1 (Bulgaria, France, Italy), p343.

²⁰ Italy is also bound by the following provisions prohibiting discrimination: Article 2(2) of the ICESCR and 2(1) of the ICCPR, which similarly provide that the rights enshrined in the Covenants should be exercised without discrimination of any kind. Importantly, for Roma, many of whom are non-citizens, the Committee on Economic, Social and Cultural Rights (CESCR) has interpreted the principle of non-discrimination as applying to non-citizens in areas such as health, housing and education. Similarly, the Human Rights Committee, in its General Comment 15 on the position of aliens under the Covenant, also stated that the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens. The Committee on the Elimination of Racial Discrimination (CERD) has made a similar statement with regard to the rights protected in the ICERD in General Recommendation XI on non-citizens. The CERD also noted in General Recommendation XX on non-discriminatory implementation of rights and freedoms that whenever a state imposes a restriction upon one of the rights listed in article 5 of the Convention which applies ostensibly to all within its jurisdiction, it must ensure that neither in purpose nor effect is the restriction incompatible with article 1 of the Convention as an integral part of international human rights standards and that such restriction does not entail racial discrimination. The ban on discrimination is also enshrined in the European Social Charter (revised) whose article E states: "Non-discrimination, The enjoyment of the rights set forth in this

Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.”

²¹ European Committee of Social Rights, Decision on the merits, 7 December 2005, European Roma Rights Centre v. Italy, Complaint No. 27/2004.

²² European Committee of Social Rights, Decision on the merits, 25 June 2010, Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009.

²³ European Committee of Social Rights, Conclusions 2011, Volume 2, Italy, Chapter 14, p652.

²⁴ Letter from Roma Capitale, Department for the Promotion of Social and Health Services, dated 12 September 2013.

²⁵ According to data of the municipality of Rome emerging from a census carried out in the first part of 2008, there were 5,652 Romani people living in the then 21 authorized settlements of Rome. Due to the modalities of that census, it is possible that figure is under estimated by 30%. Out of the 5652, 48,6% were Italian citizens, while 37,1% were from Eastern Europe. Of the 5,652, 48,7% were men and 51,3 women, making it a balanced group as to gender. Over half of the group were under 19 years of age and, of these, over 40% were under 14 years of age. Less than 1% was over 70 years of age. A further gathering of data was carried out in July 2009, when police in Rome counted 7,877 Romani people, of whom 2,241 living in the then seven authorized camps of Rome. These data can be found in *Piano regolatore sociale di Roma Capitale, Allegato 7 allo schema del Piano regolatore sociale 2011-2015*, Documento di sintesi “Interventi per le popolazioni Rom”, aggiornato ad aprile 2011.

²⁶ Tor de' Cenci was opened by the municipality of Rome in 1996 as an authorized camp. The former mayor and deputy mayor of Rome started to refer to it as to a “tolerated” camp in 2008, and called for its closure as part of their “Nomad Plan”. The camp was eventually closed down by that administration in September 2012. See Amnesty international, *On the edge: Roma, forced eviction and segregation in Italy* (Index: EUR 30/010/2012), p10.

²⁷ Amnesty International, *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.

²⁸ The affordability of housing in relation to the right to adequate housing of Roma and of other people in disadvantaged economic conditions will be addressed below.

²⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 4, para8.

³⁰ Letter from Roma Capitale, Department for the Promotion of Social and Health Services, dated 12 September 2013.

³¹ The letters of the Department for the Promotion of Social and Health Services as well as the complaint to the police and medical records of this case are in Amnesty International's files.

³² Sentence of the Regional Administrative Tribunal of Lazio (sezione prima), No. 06352/2009 REG.SEN. Sentence of the Council of State, Sez. IV, n. 06050 of 2011.

³³ See Amnesty International, *Italy: 'Zero Tolerance for Roma'* (Index: EUR 30/020/2011), November 2011.

³⁴ See "Sant'Egidio accusa Alemanno sui rom", at http://www.globalist.it/Detail_News_Display?ID=31896&typeb=0&Sant-Egidio-accusa-Alemanno-sui-rom, 13 August 2013; "Campo rom a Tor de' Cenci, Tar sospende lo sgombero", *Il Messaggero*, Cronaca di Roma, 28 August 2012; Assessorato alle Politiche Sociali e Promozione della Salute, Lettera ai cittadini: Chiusura campo nomadi Tor de Cenci, Prot. 18665, 1 April 2010.

³⁵ Throughout the negotiations, the only option offered to the residents of Tor de' Cenci was the transfer to another camp, either Castel Romano or a new structure. Until September 2011, when the area of Barbuta, near Ciampino airport, was finally identified as the place to build a new authorized camp, the residents of Tor de' Cenci were being asked to agree to relocate to a generic new camp, whose geographic location and any other feature had not yet been determined. Amnesty International interviewed numerous residents of Tor de' Cenci in the period in which the camp was at risk of closure and recorded testimonies about the inadequacy of consultations. See local media reports, for example "I nomadi non firmano l'accordo sullo sgombero di Tor de Cenci", www.romatoday.it, 22 April 2010.

³⁶ Residents reported these concerns to Amnesty International researchers in the course of several interviews.

³⁷ Regional Administrative Tribunal of Lazio (Sezione Seconda), Decree No. 02973/2012 REG.PROV.CAU., 27 August 2012. See also: "Sant'Egidio accusa Alemanno sui rom", at http://www.globalist.it/Detail_News_Display?ID=31896&typeb=0&Sant-Egidio-accusa-Alemanno-sui-rom, 13 August 2013. "Campo rom a Tor de' Cenci, Tar sospende lo sgombero", *Il Messaggero*, Cronaca di Roma, 28 August 2012.

³⁸ Regional Administrative Tribunal of Lazio (Sezione Seconda), Ordinance No. 03420/2012 REG.PROV.CAU., 27 September 2012.

³⁹ Comunita' di Sant'Egidio, "Tor de' Cenci: l'epilogo peggiore", press release, 28 August 2013.

⁴⁰ Amnesty International, *Italy: Romani families unlawfully evicted from Tor de' Cenci camp, Rome, 28 September 2012*, public statement, (Index: EUR 30/017/2012).

⁴¹ Committee on Economic, Social and Cultural Rights, General Comment No. 4.

⁴² Associazione 21 luglio, *Rom(a) underground: Libro bianco sulla condizione dell'infanzia rom a Roma*, February 2013.

⁴³ Associazione 21 luglio, *Rom(a) underground: Libro bianco sulla condizione dell'infanzia rom a Roma*, February 2013. See also Amnesty International, *Ricky, Noris and the dream to escape segregation in Italy*, 7 May 2013, <http://livewire.amnesty.org/2013/05/07/roma-dream-to-escape-segregation-in-italy/>

⁴⁴ Associazione ricreativa culturale italiana, www.arci.it.

⁴⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 4.

⁴⁶ In September 2012 a report by the local non-governmental organization Associazione 21 luglio described in detail the appalling living conditions in the camp, including the failure of the municipality to ensure that the managers of the camp fulfilled their duties as to provision of services, especially electricity and water. See *Diritti rubati. Rapporto sulle condizioni di vita dei minori rom e delle loro famiglie nel "villaggio attrezzato" di via della Cesarina a Roma*, at www.21luglio.org.

⁴⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 4.

⁴⁸ See the short documentary *'Campo sosta': la quotidianità nel campo più grande d'Europa*, at www.redattoresociale.it.

⁴⁹ Regolamento per l'assegnazione e la gestione degli alloggi di edilizia residenziale pubblica destinata all'assistenza abitativa ai sensi dell'articolo 17, comma 1, della Legge regionale 6 agosto 1999, n. 12.

⁵⁰ Article 20, Regolamento per l'assegnazione e la gestione degli alloggi di edilizia residenziale pubblica destinata all'assistenza abitativa ai sensi dell'articolo 17, comma 1, della Legge regionale 6 agosto 1999, n. 12.

⁵¹ These data are contained in the March 2012 lawyer's brief submitted to Rome's civil tribunal on behalf of the non-governmental organizations ASGI and Associazione 21 luglio. The case seeks to have the discriminatory nature of housing for Roma in the camp of Nuova Barbuta established in court.

⁵² Camping Nomentano, known also as La Cesarina.

⁵³ Amnesty International received reports about the spreading of the disease from the local ngo Associazione 21 luglio. The case was reported in the local media. Residents of Salone also referred to the bout of hepatitis when interviewed by the organization. See *Allarme epatite nel campo nomadi, 10 bimbi ricoverati*, www.ilmessaggero.it, 4 November 2012.

⁵⁴ See for example "Rom di via Salone, è allarme epatite A: 10 bimbi ricoverati, 80 vaccinati", in www.romah24.it.

⁵⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 4.

⁵⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 4.

⁵⁷ Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani, *Rapporto conclusivo dell'indagine sulla condizione di rom, sinti e caminanti in Italia*, 9 February 2011.

54 Double standards

Italy's housing policies discriminate against Roma

⁵⁸ Presidenza del Consiglio dei Ministri, National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities (European Commission Communication No.173/2011), 28 February 2012, available at http://ec.europa.eu/justice/discrimination/files/roma_italy_strategy_en.pdf

⁵⁹ International Covenant on Economic, Social and Cultural Rights, articles 3 and 5. See also Office of the United Nations High Commissioner for Human Rights, *The right to adequate housing*, Fact-sheet no.21, UN Habitat.

⁶⁰ The European Commission has also considered key in Italy's National strategy the development of local policies to provide safe housing to Roma communities, build new accommodations for disadvantaged groups, promote micro-credit, monitor social housing measures, etc.; and that the financial framework presented is based on EU structural funds and resources provided at national, regional and local level. Importantly, the European Commission noted as a gap that "The quantification of financial resources is difficult to determine as there are no quantitative targets for future actions." See "Italy fact-sheet", produced by the European Commission to assess countries' national strategies. Available at http://ec.europa.eu/justice/newsroom/discrimination/news/120523_en.htm.

⁶¹ Commission on Human Rights, resolution 1993/77, para1.

⁶² Committee on Economic, Social and Cultural Rights, General Comment No. 7.

⁶³ Human Rights Council, Tenth session, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/10/7, 4 February 2009.

⁶⁴ The Committee on Economic, Social and Cultural Rights (CESCR) has articulated the relevant standards and obligations regarding forced evictions in General Comment No. 7: "15. [...] The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts. 16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available." According to CESCR, prior to an eviction, all feasible alternatives should be explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties should also ensure that there is a right to adequate compensation for any property, both personal and real, which is affected, in line with article 2.3 of the ICCPR, which requires states parties to ensure "an effective remedy" for persons whose rights have been violated and the obligation upon the "competent authorities (to) enforce such remedies when granted".

⁶⁵ Amnesty International, *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 2010; *The wrong answer: Italy's 'Nomad Plan' violates the housing rights of Roma in Rome* (Index: EUR 30/001/2010), March 2010.

⁶⁶ Many Roma interviewed by Amnesty International in the last few years have detailed the sequence of evictions they experienced. Documents sent to Amnesty International by the Department for the Promotion of Social and Health Services also indicate the provenance of residents in authorized camps from evicted settlements.

⁶⁷ Associazione 21 luglio, *Report Casilino 900, parole e immagini di una diaspora senza diritti*, 2010.

⁶⁸ Committee on the Elimination of Racial Discrimination, Eightieth session 13 February - 9 March 2012, Consideration of reports submitted by States parties under article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination, Italy, CERD/C/ITA/CO/16-18.

⁶⁹ European Committee of Social Rights, Decision on the merits, 25 June 2010, Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009.

⁷⁰ Committee on Economic, Social and Cultural Rights, General Comment No. 7.

⁷¹ Pietro Vulpiani, "Sgomberi: principi e linee guida per la tutela dei diritti umani", UNAR, Dipartimento per le Pari Opportunità, Presidenza del Consiglio dei Ministri. Available at http://www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/II_Dipartimento/Pubblicazioni/Articolo_Sgomberi_QuadernoLILn.3_4Gennaio2013.pdf

⁷² There are three main categories of publicly supported housing or social housing broadly defined in Italy:

- subsidized housing (*edilizia sovvenzionata/edilizia residenziale pubblica*): rental housing built and owned by the public sector and aimed to those with the lowest income
- assisted housing (*edilizia agevolata*): housing for rent and for sale destined for low to middle income families. This housing is generally built by private actors or cooperatives with public funds contributing in the form of financial incentives
- agreed housing (*edilizia convenzionata, a canone sostenibile/sociale*): housing for rent or for sale, whose transfer cost or rent is regulated in an agreement between the municipality and the housing provider. This housing is built by private actors with private funds but the areas where it is built are provided by the municipality at advantageous rates (Decree No. 112 of 25 June 2008, which became, with amendments, Law 6 August 2008, No. 133, entitled *Piano nazionale di edilizia abitativa*, added to these three categories a fourth one, the so-called "housing sociale" or *edilizia sociale a canone moderato*).

In this report by social housing we refer to subsidized housing.

A "social dwelling" is defined as the essential element of the "social residential housing system" which is comprised of all housing services aimed at meeting primary needs. A "social dwelling" is a housing unit for residential use rented on a permanent basis which has a general interest function, in order to safeguard social cohesion, to reduce housing deprivation of disadvantaged individuals and families, who cannot access rented accommodation in the open market. Its purpose is to meet primary housing needs. See: Ministero delle infrastrutture, Decree 22 aprile 2008, *Definizione di alloggio sociale ai fini dell'esenzione dall'obbligo di notifica degli aiuti di Stato, ai sensi degli articoli 87 e 88 del Trattato istitutivo della Comunita' europea*. Art. 1. See also Decree no. 112 of 2008.

⁷³ As Casilino 900, Casilino 700 was a large informal settlement in Rome. It was evicted by Rome municipal authorities between the end of 1999 and 2000.

⁷⁴ Regional law of Lazio no. 12 of 6 August 1999 entitled Discipline of regional and local administrative functions regarding social housing.

⁷⁵ According to the *Determinazione del direttore, Direzione regionale piani e programmi di edilizia residenziale*, 16 September 2011, n. 9037, access income is set at 19,524,88 euros for the period July 2011 to July 2013; decadence income is set at 27,334, 83 euros starting on 1 August 2011.

⁷⁶ Regional regulation no. 2 of 20 September 2000, entitled Regulation for the assignation and management of social housing dwellings destined to housing assistance, as per article 17(1) of Regional law of Lazio no. 12 of 6 August 1999.

⁷⁷ The priority criteria listed in article 2 are: a) applicants with no fixed abode or living with their family in centres, public dormitories or any other shelter procured on a temporary basis by bodies, entities and voluntary associations recognized and authorized and tasked with social assistance; b) applicants who must abandon their accommodation: 1) following an eviction order or a public necessity order issued no more than three years before the date of the public offer; 2) following an order, executive sentence or judicial agreement of eviction whose term for vacating the accommodation has or has not expired; c) applicants who left their accommodation and for whom certain conditions of precarious housing exist: following an eviction order or a public necessity order executed no more than three years before the date of the public offer; following an order, executive sentence or judicial agreement of eviction executed since no more than three years; following retirement when they had a job-related accommodation; d) applicants living with their family in an overcrowded accommodation; there is overcrowding when the relation rooms/inhabitants is 1 to 2. The number of rooms is determined by dividing the habitable area by 14m², net of 20% for accessory and service areas; e) applicants living with their family in accommodation whose state of maintenance is poor or mediocre according to current law standards; f) applicants, who, on the date of publication of the public offer, live with their family in an accommodation whose rent rate, as recorded in the letting agreement, excluded accessory charges, absorbs the following percentage of the total family income: 1- over one third; 2-over one fifth; 3- over one sixth; g) applicants living with their family in the same accommodation with one or more other families; h) applicants whose overall annual income, as recorded in the latest tax return, is no higher than the minimum social pension; i) applicants who have 90% of their income coming from employment or pension; l) applicants belonging to one of the following types of families: 1- families composed of people who at the time of the public offer are over 65; if there are members who are not over 65 they must be completely unable to work or minors entrusted to the applicant; 2- families formed in the three years preceding the public offer or who are going to be formed within a year from the publication of the

public offer and whose members are not over 35 on the date of the publication of the public offer; 3- families with one sole parent in charge of at least one cohabiting child; 4- families in which one or more members, even if minors, cohabiting or in any way in the sole care of the applicant, are permanently disabled at over 66% of the ability to work; 5- families composed by refugee Italian citizens; 6) families with more than two children; 7) families composed by one adult person.

⁷⁸ "... una soluzione alternativa ai campi non c'è. Inoltre non c'è alcuna intenzione di creare corsie preferenziali per dare case ai rom, discriminando i cittadini italiani nelle liste. Se le possono scordare", available at: http://roma.corriere.it/roma/notizie/cronaca/12_settembre_11/nomadi-case-popolari-belviso-2111775738259.shtml.

⁷⁹ See under "Condizioni di prioritari' per l'attribuzione dei punteggi, Bando pubblico generale per l'assegnazione in locazione di alloggi di edilizia residenziale pubblica, ubicati nel Comune di Roma e limitrofi, ai sensi della Legge Regionale 6 Agosto 1999, No. 12", available at http://win.inquiliniater.it/documenti/2009/informazioni/bando_casa.pdf.

⁸⁰ Amnesty International, *The wrong answer: Italy's 'Nomad Plan' violates the housing rights of Roma in Rome* (Index: EUR 30/001/2010), March 2010.

⁸¹ "Bando Generale di Concorso per l'assegnazione in locazione di alloggi di edilizia residenziale pubblica ubicati nel territorio di Roma Capitale e zone limitrofe, ai sensi della Legge Regionale 6 agosto 1999, n. 12".

⁸² In each camp visited by Amnesty International, the organization's researchers asked the representatives of the non-governmental organizations which provide social support and other assistance to Romani families how many families they had helped applying for social housing and how many families they knew who had done so themselves. Although a precise figure is not available, Amnesty International's estimate is that scores of families have applied for social housing.

⁸³ "Approvazione condizioni di priorità per l'attribuzione dei punteggi per l'indizione del bando pubblico generale per l'assegnazione in locazione di alloggi in Edilizia Residenziale Pubblica".

⁸⁴ Precisazioni su requisiti Bando Generale per assegnazione alloggi di E.R.P., 18 January 2013.

⁸⁵ See <http://www.paesesera.it/Societa/Comune-case-popolari-anche-ai-rom-In-1500-hanno-gia-i-requisiti/%28local%29/102>.

⁸⁶ On 30 January 2013, the then-councillor and president of Rome municipality committee on security said: "Social housing should be assigned first to citizens who live in economic difficulty and people who have been evicted [from private accommodation or social housing]... the mayor may have to withdraw the social housing public offer to avoid grave social tensions." at: <http://www.paesesera.it/Societa/Comune-case-popolari-anche-ai-rom-In-1500-hanno-gia-i-requisiti/%28local%29/102>.

On 7 February 2013, another former councillor and president of Rome municipality committee on social policies and the family said: "Regarding the public notice which some organizations interpret as assigning the highest number of points to Roma living in authorized camps, I believe it would be

extremely appropriate, to avoid unpleasant consequences, to immediately withdraw the public offer and clarify the points which could generate confusion... In this regard, next week I will task a commission to identify with the competent organs the necessary changes to avoid once and for all creative interpretations and misunderstandings". Also on 7 February 2013, the then alderman for Rome municipality's housing policies said: "I wish to reassure all [municipality] councillors that, as specified in the clarifications sent to all boroughs on 18 January by the housing policies department, nomad camps are not included in category A1 because, to obtain 18 points, applicants must be hosted in temporary centres, that is structures dedicated to hosting homeless people", available at: <http://www.paesesera.it/Cronaca/Case-popolari-anche-ai-rom-Tredicine-Pdl-Ritirare-il-bando>.

⁸⁷ See Commissario Delegato per l'Emergenza nomadi nel territorio della Regione Lazio, Regolamento per la gestione dei villaggi attrezzati per le comunità nomadi nella regione Lazio, 18 February 2009, Art. 3: "L'ammissione al villaggio comporta la temporanea assegnazione di una struttura abitativa, anche prefabbricata o realizzata con tecniche di autocostruzione, ovvero di una piazzola di sosta per roulotte e moduli abitativi"; Art. 3.4: "Le autorizzazioni all'ammissione ed alla permanenza nei villaggi hanno una validità pari ad anni due e sono prorogabili sulla base dei criteri di cui al successivo Articolo 3.5."; Art. 3.5: "Le autorizzazioni all'ammissione ed alla permanenza nei villaggi possono essere prorogate, su richiesta dell'interessato, con formale provvedimento del Dipartimento delle Politiche sociali purché in presenza dei presupposti originari per il rilascio previsti dal precedente Articolo 3.1. La proroga ha una validità biennale. E' fatta salva la possibilità, per il Dipartimento delle Politiche sociali, di concedere una ulteriore proroga biennale per completare i percorsi di integrazione socio-educativa".

⁸⁸ Disciplinare sulle modalità di permanenza temporanea nei Villaggi Attrezzati per le comunità nomadi del Comune di Roma.

⁸⁹ See Comune di Roma, Disciplinare sulle modalità di permanenza temporanea nei Villaggi Attrezzati per le Comunità nomadi del Comune di Roma, 15 January 2010: "stabilisce, per le comunità nomadi presenti nel Comune di Roma, le modalità di permanenza temporanea nei Villaggi Attrezzati".

⁹⁰ See Convenzione stipulata tra il Comune di Roma e l'Associazione Isola verde Onlus per la gestione del villaggio della solidarietà Camping River (Prot. n. 65664), 13 November 2009: "Agli ospiti dovrà essere sempre ricordato che la permanenza al campo assume il carattere della provvisorietà: si tratta di un'accoglienza limitata ad evitare situazioni di emergenza e gli stessi devono utilizzare questo periodo per ricercare una sistemazione definitiva ed autonoma nel rispetto delle norme che disciplinano il soggiorno in Italia. A tal fine il periodo di accoglienza e permanenza nel centro è fissato da un minimo di sei mesi ad un massimo di dodici mesi, prorogabile in presenza di particolari condizioni degli ospiti concordate con il gestore del centro".

⁹¹ See Convenzione stipulata dal Comune di Roma, Dipartimento V Direzione per la gestione del servizio di accoglienza del Campo attrezzato Barbuta, 2012, Art. 1: "La permanenza al campo assume il carattere di provvisorietà. In nessun caso viene data agli ospiti l'assegnazione di una sistemazione stabile e duratura se non per il tempo necessario a consentire ai nuclei ospitati, di ricercare soluzioni più autonome, sostenuti, in questo, dagli operatori sociali presenti nel villaggio".

⁹² See Presidenza del Consiglio dei Ministri, National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities (European Commission Communication No.173/2011), 28 February 2012,

para2.4.6, p85. Please note the translation provided here is not the official translation.

⁹³ These are centres for temporary housing assistance, which have been used by the municipality of Rome to house families in need of housing support.

⁹⁴ Interview with Lucietta Iorio, manager of the office for housing support interventions of the Department for housing policies, municipality of Rome, April 2013. .

⁹⁵ Interview with Renato Panella and Stefania Grassia, respectively director general and manager of Ater, Rome's housing body, June 2013.

⁹⁶ Interview with Lucietta Iorio, manager of the office for housing support interventions of the Department for housing policies, municipality of Rome, April 2013.

⁹⁷ Interview with Renato Panella and Stefania Grassia, respectively director general and manager of Ater, Rome's housing body, June 2013.

⁹⁸ Interview with Lucietta Iorio, manager of the office for housing support interventions of the Department for housing policies, municipality of Rome, April 2013.

⁹⁹ AI interviewed representatives of the tenants' unions Federcasa, Sicut, Sunia and Unione Inquilini, as well as representatives of the municipality of Rome and the Lazio region in April 2013.

¹⁰⁰ Committee on Economic, Social and Cultural Rights, Concluding Observations, Italy, E/C.12/1/Add.103, 14 December 2004, para25, 46 and 47.

¹⁰¹ European Committee of Social Rights, Conclusions 2011, Volume 2, Italy, Chapter 14, p661.

¹⁰² International Covenant on Economic, Social and Cultural Rights, Article 11. Italy ratified the Covenant in 1978.

¹⁰³ Article 31 of the Charter, which Italy ratified in 1999, states: "With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: 1-to promote access to housing of an adequate standard; 2-to prevent and reduce homelessness with a view to its gradual elimination; 3-to make the price of housing accessible to those without adequate resources."

¹⁰⁴ For example, the Convention on the Elimination of All Forms of Discrimination against Women, Article 14(2); the Convention on the Rights of the Child, Article 16 (1) and Article 27; the Convention on the Rights of Persons with Disabilities, Article 9 and Article 28; and the Convention relating to the Status of Refugees, Article 21.

¹⁰⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 4.

¹⁰⁶ In sentence no. 217 of 1988 the Constitutional Court stated: "to create the minimum conditions for a social State, to concur to guaranteeing to the biggest possible number of citizens a fundamental social right, such as that to housing, to contribute to ensuring that the life of each person reflects every day and under every aspect the universal image of human dignity, these are tasks which the State cannot

abdicate in any circumstance". Ordinary courts too have consistently affirmed the right to housing, including in relation to and as a mitigating circumstance in the case of crimes motivated by the need to satisfy housing needs (Cass.pen., Sez. III, n.11030/97; and on occupations, Cass. Pen., Sez. II, n. 35580/07, in Simone Scagliarini, "Diritti sociali nuovi e diritti sociali in fieri nella giurisprudenza costituzionale"); and of administrative offences also motivated by decisions to ensure the enjoyment of housing to families in extremely dire conditions (Corte dei conti, Sez.reg.Sicilia, n.223/09 and Cass.civ., Sez.II, n.9908/11).

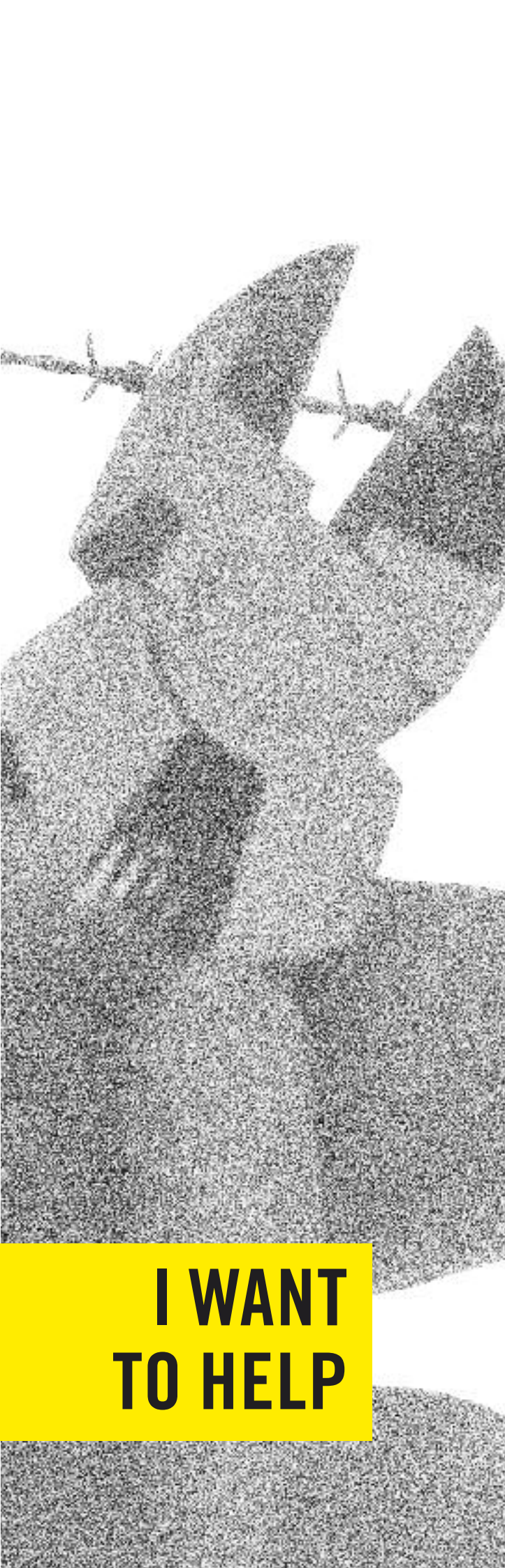
¹⁰⁷ The Constitutional Court found in sentence no. 94 of 2007 that the fact that social housing is not expressly mentioned under article 117(2) of the Italian Constitution, nor under article 117(3) does not per se allow the conclusion that all aspects of this complex subject come under the residual legislative power of regions ex article 117(4). The court, noting the transversal nature of the subject, which touches on urban development and planning, public works and provision of housing services, concluded that social housing comprises three separate legislative areas: the determination of the minimum offer of dwellings destined to meet the needs of the poorest, which comes under the exclusive competence of the state under article 117(2)(m) and which is part of the determination of the principles needed to guarantee uniformity of assignment criteria throughout the national territory; the planning of social housing areas, which is part of the function of governing the territory, which is of concurring competence of the state and the regions (article 117(3)); and the management of the social housing stock, mostly within the competence of housing bodies accountable to the regions (article 117(4)). The Court had in previous rulings also held that the determination of the principles aimed at guaranteeing uniformity of allocation criteria on the national territory falls within the exclusive competence of the state, as the court noted already in sentences no. 727 of 1988 and no. 486 of 1995.

¹⁰⁸ The Regional law of Lombardy no. 1 of 2000 requires that an applicant, to be granted access to social housing, can prove at least five years of residence or work in the region before the time of the application. Similarly, article 38 of the Regional law of Friuli Venezia Giulia no. 16 of 2008 provides for additional points in proportion to the years of registered residence in the region, plus registered residence or work in the country for at least 10 years, even if not continuous, of which five in the region.

¹⁰⁹ Veronica Valenti, "L'edilizia residenziale pubblica tra i livelli essenziali delle prestazioni e sussidiarietà. Osservazioni alla sentenza della Corte costituzionale n. 166 del 2008", *Federalismi.it*; Francesca Bioni dal Monte, "I livelli essenziali delle prestazioni e il diritto all'abitazione degli stranieri", *Atti del Gruppo di Pisa*. Some allow access to social housing on condition of reciprocity in the country of origin of the foreigner, others require a period of residence or work in the municipality or in the region both for Italian citizens and for foreigners, others still grant additional points if the foreigner has acquired Italian citizenship or has an extended residence. Following the revision of the Constitution in 2001, regions have also adopted different methods to determine family income, which is an essential admissibility requirement to apply for social housing. This, according to the federation of housing bodies, Federcasa, makes it difficult to compare the social housing situation in different regions; determines disparities in the access to housing services in different parts of the national territory and in determining the decadence from the right to continue living in a social housing dwelling. A study by Federcasa in 2006 compared the levels of income to access social housing for a typical family of three with one source of income and the average typical family income in the same region. The difference between the two in the various regions was wide, between +38 and -40.

¹¹⁰ Administrative regional tribunal of Lombardy, Milan, Sez. III, no. 2082 of 2008.

¹¹¹ Annalisa Guldani, "Liveas (Livelli essenziali di assistenza sociale)", September-October 2011, www.aggiornamentisociali.it.



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DOUBLE STANDARDS

ITALY'S HOUSING POLICIES DISCRIMINATE AGAINST ROMA

In Italy's capital, Rome, people in need of housing are treated differently according to their ethnicity. A two-track assisted housing system is condemning thousands of Roma to live in segregated, sub-standard accommodation in camps on the outskirts of the city.

Wrongly giving homeless Roma the convenient label "nomads", the municipality of Rome has for years been housing them in overcrowded mobile homes in mono-ethnic camps which are far from public services and transport links. While non-Romani people can at least hope to be allocated social housing if they need it, Roma living in such camps have been sidelined by allocation criteria that are impossible for them to meet and from which they have recently been explicitly excluded.

This report exposes how the municipality of Rome has consistently designed and implemented housing policies that discriminate against Roma and violate their right to adequate housing. They are not the only municipality in Italy to be doing this. The report also addresses the failure of the national government to ensure equal access to adequate housing for all across the country, in breach of international human rights law and EU anti-discrimination legislation.

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