



5824

Permanent Mission of Italy
UN - Geneva

NOTE VERBALE

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, following the Letter AL ITA 2/2025 dated 27 February 2025 by 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, the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on the independence of judges and lawyers, the Independent Expert on the enjoyment of all human rights by older persons and the Special Rapporteur on extreme poverty and human rights has the honour to transmit herewith Italy's reply.

This Permanent Mission would be grateful for kindly confirming receipt of this Note Verbale and of the attached document.

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration. *BB*

Geneva,

12 AOUT 2025



Office of the United Nations
High Commissioner for Human Rights
GENEVA



Ministero degli Affari Esteri
e della Cooperazione Internazionale

COMITATO INTERMINISTERIALE PER I DIRITTI UMANI

Italy's reply to UN Joint Communication AL ITA 2/2025

August 2025

ITALY'S REPLY

Italy's reply to UN Joint Communication AL ITA 2/2025

Further to the UN Urgent Communication (AL ITA 2/2025) sent by five UN Special Procedures (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; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the independence of judges and lawyers; the Independent Expert on the enjoyment of all human rights by older persons and the Special Rapporteur on extreme poverty and human rights), Italian Authorities are in a position to provide the following information.

Introduction

By recalling previous relevant replies, in general terms it is to be stressed that housing is a strongly present issue in the Italian social and political debate. The Italian Ministry of Infrastructures (*MIT*) has always been involved in the management of urban redevelopment programmes regarding public housing. The recently activated programmes are aimed at making a total of 105,685 housing units available, of which 35,376 already completed.

The Budget Law 2025 provides for the approval of a National Plan for public and social housing, called '*Piano casa Italia*'. This Plan is a programmatic tool aimed at defining medium and long-term strategies for the overall reorganization of the housing system, in synergy with territorial Authorities. Budget Law 2025 has refinanced the Fund for the Inculpably Tenants with Rent Arrears, with approximately 30 million Euros.

Moreover, Decree-Law 69 of 2024, converted with amendments into law, provided an immediate and concrete response to the growing need for housing, supporting the objectives of recovering the unused existing building stock and reducing land consumption, thus offering a solution with a view to the full use of buildings and real estate units not fully marketable to date - due to administrative rigidities not supported by real needs to protect the public interest.

The newly adopted Save-Home Decree (*Decreto Salva-Casa*) is therefore relevant in relation to the expected increase in the number of marketable housing units following their regularization and thus in general the mitigation of housing-related difficulties.

Numerous national provisions, introduced in the Public Contracts Code and the Consolidated Building Code, allow Regions, to promote initiatives aimed at the creation of housing agencies and to encourage building interventions through public/private partnership procedures and the construction of social housing.

In this framework, mention should be made, by way of example, to some of the reference Programmes for housing and urban requalification:

1. The National Housing Plan.
2. The Programme providing for the recovery of housing and real estate owned by Municipalities and *ex-IACP* (acronym standing for *Autonomous Institutes for Social Housing*).
3. The Fund complementary to the National Plan of Recovery and Resilience (acronym in *PNRR*) 'Safe, green and social: redevelopment of public housing':

ITALY'S REPLY

4. The Fund called 'National Innovative Programme for the quality of living', aimed at redeveloping and increasing the heritage allocated to social housing, without consuming new land and in accordance with the principles and EU guidelines on *Smart Cities*. Over the last decade, the overall budget amounts to about 11 billion Euros of which 3 billion Euros were allocated to Regions, Metropolitan Cities and Municipalities that submitted 159 Proposals.

Turning to the specific issues at stake

As regards the right to adequate housing, a proof of the Italian State's actual engagement to ensuring it to recipients of an enforcement measure (*esecutati*) who are in difficulty is evident in the case referred to in litigation 16061/2022, which is the specific subject of the request for clarifications that is found here. Indeed, the lady concerned had been offered by the competent administrative bodies¹ alternative proposals for adequate accommodation: all rejected by the party concerned², who chose to remain in the property subject to the eviction order. Moreover, due to the age of the old lady concerned, the eviction is still under way.

More generally, since long time Italian legal system has known effective means of protecting citizens recipients of an enforcement measure (*esecutati*) in difficulty, protecting both the rights of individuals to housing and the rights of owners of real estate. Among the main measures in place in the Italian legal system, the following are to be noted:

- article 55 of Law No 392/1978, which allows inculpable tenants to obtain, in the event of proven difficulties, a "grace period" of no more than 90 days to pay the fees and not to be enforced;
- the suspension of evictions for a period of 18 months where the holders '*are or have in their household persons over 65 years old, terminally ill or handicapped with a disability of more than 66 per cent, provided that they do not have another dwelling suitable for the household in the region of residence*' under Article 1 of Law No 9/2007, as extended several times;
- the freezing of evictions also for arrears, until 31.12.2021 (Decree No. 18/2020, converted on Law No. 27/2020, and subsequent extensions) as ordered during the COVID 19 pandemic;
- the financial contribution (so-called C.A.S. contribution of independent accommodation) provided for by Article 3 of Ordinance No. 388 of 26 August 2016 of the Head of the Department of Civil Protection, published in the Official Bulletin dated 29 August 2016, No 201 and Decree Law No 189 of 17 October 2016 (Urgent action in favour of the populations affected by the

¹ In implementation of the request for the adoption of precautionary measures formulated by the CESCR under Article 5 of the Optional Protocol, consisting, as an alternative to the "*suspension of the eviction from the apartment in which she currently lives*", in "*providing her with alternative accommodation appropriate to her needs, in the framework of an authentic and effective consultation*".

² In fact, the individual communication of the party concerned (CESCR No. 256/2022), reads as follows: "*Over the years, she has been offered various interventions to find the most appropriate solution to protect her health and safety. When she refused to move in with her daughter, Ms E. D. (another daughter – and not Ms C. D. mentioned in the complaint), she was offered a new place of accommodation. This would have allowed her to apply for a housing emergency contribution under D.D. No 163/1998. After a careful evaluation by the Administrative Office, it would have been possible to grant this aid, which would have allowed the Lady to benefit from a four-year contribution for the payment of the rent. The collaboration of the Community of Sant'Egidio has been requested to support it in the search for a new house. However, she objected to the idea of leaving the house. Other measures which she did not accept were proposed to her: cohabitation with another person, as an alternative housing measure with a significant impact on the elderly person's socialization, or transfer to a nursing home. The Social Service also carried out a mediation action, to try to reach an agreement between Mrs L. and the real estate company C. G. srl, which was rejected by the latter on the following grounds: "because the relationship of trust between the parties has been irreparably broken" (in addition to the amount due for employment compensation amounting to € 17,571.19). In addition, in order to comply with the provisions of DGC 368/2013 et seq., which established the gradual dismantling of the structures used by the C.A.A.T. (acronym of Centers for temporary housing assistance), at the same time the C.A.A.T. Office of the competent administration has communicated that it will place the applicant in a special list for temporary housing assistance, governed by the chronological order of arrival of requests for temporary housing assistance and published on the dedicated website of the institutional site. In addition, by inviting the applicant to verify its position in relation to the ranking list for the allocation of ERP solutions (acronym for Public Social Housing) call for proposals 2012, or, if it had not already done so, to register, through the GEBAC telematic platform and in view of the situation reported by the applicant, the said Office indicates the Social Operating Room of Roma Capitale is available 24 hours a day.*"

ITALY'S REPLY

earthquake of 24 August 2016) as a provision for those who – having to leave their home destroyed by the earthquake or evacuated in order to comply with the measures of the competent Authorities – had independently found a different housing;

- the National Housing Plan pursuant to Article 11 of Decree No 112/2008 converted into Law No 133/2008 (reorganization of the previous legislation on housing dating back to Decree No 1165/1938), provides for the resolution of the housing emergency and precisely in favor citizens in difficulty;

- the national fund for the payment of rents under Article 11 of Law No 431/1998 and for disadvantaged groups;

- the *welfare* system managed by the municipalities to combat the phenomenon of "homelessness" and to provide assistance to homeless people.

Among relevant measures, Decree-Law No. 48 of 2023, converted with amendments in Law No. 85 of 2023, has introduced the Inclusion Allowance (*Assegno di Inclusione* - acronym in Italian, *ADI*), as a new general social and labour inclusion measure addressed to households with, among others, children, older persons, persons with disabilities – this follows the introduction of the Inclusion Income (*Reddito di Inclusione*) first and the Citizenship Income (*Reddito di cittadinanza* – acronym in Italian, *RdC*) later. It aims at guaranteeing a minimum standard to ‘vulnerable’ households not only through the disbursement of economic support but, above all, by orienting the beneficiary towards inclusion, overcoming the situation of poverty and vulnerability until the integration or the reintegration in society.

Against this background, the tenant - any tenants - can oppose the executive procedure, such as a judicial request for eviction. S/he can ask the Judge for an extension, if s/he meets the requirements set out in Art. 6 of Law No. 431 of 1998, and in Law No. 9 of 8 February 2007, “Interventions for the reduction of housing hardship for particular social categories” (e.g., over 65 years old; low income; terminally ill or disabled with a disability of over 66 per cent; families with dependent children (*figlio fiscalmente a carico*)).

It is clear, therefore, that Italy makes every effort to ensure that all citizens have the right to adequate housing, trying to remove the social and economic obstacles to its implementation. Nor does the Italian legal system pose obstacles to access to justice by the poor. Pursuant to Article 74 et seq. of Presidential Decree No. 115/2002, free legal aid is ensured in civil, criminal, administrative, tax, accounting, and voluntary jurisdiction proceedings, at every stage of the trial/proceeding, provided that the reasons invoked are not manifestly unfounded and that the income of the household does not exceed € 12,838.01, per year.

As far as the so called “decision 16061/2022” is concerned, it is important to clarify the following aspects. The independence of the judiciary is enshrined in the Constitution of Italy, as Article 101(2) stipulates that judges “shall be subject only to the law”. The Italian Government respects the independence of the judiciary and cannot instruct Italian Courts on how to decide matters before them.

In the case summarized as "*CT 1601/2022*", the Judge of the Enforcement asked the Italian Government for its opinion on the direct applicability by the Court of the interim measures requests by CESC.R.

ITALY'S REPLY

Through the State Attorney's Office (Avvocatura dello Stato) the Italian Government joined the case simply as an intervening party (*parte intervenuta*), on an equal footing with the other parties to the proceedings and had no role in the final decision adopted by the Court.

The State Attorney's Office just provided its opinion on the possible effect of the interim measures, inferring the assessment that the interim measures adopted by the CESCR require the State to take action but are not legally binding on domestic courts.

In the case of the suspension of evictions requested by the CESCR, the Italian judge independently confirmed that such a request, addressed to the State Party pursuant to Article 5 of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, was not directly binding for the court. Given the legislation in force, the judge considered that they could not apply the interim measure requested, since the suspension of the eviction provided for therein would have resulted in an exception to the laws in force.

Such a conclusion, moreover, stems from the right of defence and the principles of due process, covered by Arts. 24 and 111 of the Italian Constitution: both would clearly be violated if it were to be given effect *ex se* binding for the national court to the request by the CESCR. Against this background, it is to be considered a measure prohibiting (moreover without a predefined time limit) the effectiveness of an enforceable title formed in favour of the landlord following a fair trial, in the context of a procedure initiated at the request of the evicted tenant and in the absence of an adversarial procedure with the private landlord.

It must also be considered that such requests for the suspension of evictions formulated by CESCR, if they can be directly enforced in the domestic legal system without the mediation of a legislative intervention by the State - which is, it is reiterated, necessary, and a fortiori like the provisions contained in Article 42 of the Constitution, in so far as it affects the private property rights of landlords - could have consequences on the entire property market.

The Italian legal system aims at ensuring an effective framework of guarantees, to fully and extensively protect the fundamental rights of the individual. Indeed, people rely on a solid framework of rules, primarily of a constitutional nature, by which respect for human rights is one of the main pillars.

On a more specific note, the Italian Constitution envisages the protection of all rights and fundamental freedoms included in relevant international standards, such as the European Convention on Human Rights and Fundamental Freedoms, the Human Rights Universal Declaration or the International Covenant on Civil and Political Rights. The protection and promotion of rights (be it civil and political, economic, social and cultural or be it referred to freedom of expression or to the fight against racism or to the rights of the child and of women) are one of the fundamental pillars of both domestic and foreign Italian policies (*For further information, please kindly refer to Italy's Common Core Document forming part of reporting to UN Treaty Bodies*).

Conclusion

Italy reaffirms its commitment to continued engagement with the United Nations Human Rights mechanisms.