

Mandates of the Special Rapporteur on minority issues and 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

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Excellency,

In our capacity as UN Special Rapporteur on minority issues and 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, we would like to take this opportunity to acknowledge the recent court ruling regarding the Roma camp, La Barbuta, issued on 30 May 2015 by the Civil Section of the Tribunal of Rome, the implementation of which would significantly contribute to enhancing the right to adequate housing of the Roma community residing in La Barbuta.

The ruling held that the construction of the Roma camp La Barbuta by the City of Rome was indirectly discriminatory, breaching §2 of *Decreto Legislativo 215/2003* (prohibition of discrimination), which is the implementing legislation of EU Directive 2000/43, (the Race Equality Directive). We further acknowledge the Tribunal of Rome's view that "[a]ny large scale housing solution targeted only at persons belonging to the same ethnic group, especially if carried out, as in the case of the settlement site in La Barbuta, in order to hinder cohabitation with the majority population, and limits equal access to fair conditions, to education and social health services, and which is located in an area where there is a serious risk to the health of persons residing there, must be considered discriminatory".

According to the information received, the Roma-only settlement of La Barbuta was constructed in early 2012 by the Municipality of Rome within the framework of Rome's "Nomad Plan". This plan, which was adopted at the local level stemmed from the broader "Nomad Emergency Framework" which was in force at the time but which has since been discontinued. The settlement was explicitly constructed in order to re-house only Roma, previously forcibly evicted from different parts of the city. At its full capacity, it hosted around 580 Roma, including approximately 320 children, and many Roma from different backgrounds, including large populations from Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia. The settlement is located in the outskirts of the city, far from basic services and with no access to work and livelihoods, and its location exacerbates the social and physical marginalization of the inhabitants. The settlement is fenced in and has a 24 hour CCTV system installed. Apart

from its segregated nature, the camp has allegedly substandard housing facilities, with units of 24 m² and 32 m² provided for 4 or 6 people respectively.

This ruling is very significant as it is, in so far as we are aware, the first time in Europe that the targeted construction of Roma camps has been declared a form of segregation and discrimination based on ethnic grounds. In this connection, we understand the Court has ordered the City of Rome to halt any future actions and adequately and fairly address the needs of the affected Roma community. The ruling orders the Municipality to cease the conduct and to remove the effects; however, it does not stipulate specific time limits or modalities for doing so. We have also been informed that the Municipality has the right to appeal the Court ruling until 1 July 2015. We note that should an appeal be filed, the implementation of the judgment would be put on hold pending the outcome of the appeal, which could take years, and which would directly and negatively impact upon the affected community.

For the Special Rapporteur on adequate housing, this case is also significant as it addresses the specific obligations of local government authorities with respect to the right to adequate housing, including in eliminating discrimination. Her report to the Human Rights Council (A/HRC/29/64) on these points can serve to provide further guidance for local and subnational governments in this regard.

We would therefore like to call on the Rome Municipality and the Government of your Excellency to move swiftly to implement the decision in full in order to adequately and fairly address the needs of the affected Roma community living in La Barbuta. In this context, we would like to encourage the Government of your Excellency to ensure open and transparent consultation with affected Romani families currently housed in La Barbuta, regarding the planning, development and implementation of non-discriminatory and adequate alternative housing solutions in line with Italy's human rights obligations, including the European Union Race Directive.

Furthermore, although the ruling was specifically concerned with La Barbuta camp, in our view, the case has implications for other Roma camps throughout Italy. According to information received, segregated housing of Roma communities in Italy remains widespread throughout the country, and reportedly, most Italian cities have at least one Roma only camp, often in similar conditions to that of La Barbuta.

We therefore would like to encourage your Excellency's Government to consider this judgment as a key opportunity to ensure that the right to adequate housing be implemented, not only for those Roma residents of Barbuta, but also for all Roma throughout Italy, in particular those housed in segregated camps, many of which were established during the years in which the Nomad Emergency Decree was in force. This is of relevance, given that the ongoing discriminatory consequences of the now-void Emergency Decree continue to be felt. The dismantling of these camps, and the provision of viable housing alternatives, including comprehensive reintegration of the communities that were segregated as a result of the implementation of the Emergency Policy, in consultation with all affected communities, must remain a priority.

Furthermore, notwithstanding the importance of this decision, we would like to remind the Government of your Excellency that measures tackling the social-economic exclusion of Roma, including their physical segregation, should be part of a wider approach that fosters Roma inclusion in all aspects of the life of the State and the Italian society, in order to break the vicious cycle of discrimination and marginalization that Roma often face. In this regard, we refer you to the recent report of the Special Rapporteur on minority issues, and its recommendations which emphasize that States must ensure that measures addressing the socioeconomic vulnerability of Roma are addressed not only through programmes addressing poverty and marginalization, but are part of a wider approach that tackles the widespread prejudice, discrimination and racist attitudes against Roma, including anti-Gypsyism (A/HRC/29/24, para 97).

We would also like to recall the importance of the International Covenant on Economic, Social and Cultural Rights, and in particular Article 11.1 on the right to an adequate standard of living, including housing, to be read in conjunction with Article, 2.2 on non-discrimination ratified by Italy in September 1978. Along these lines we call the attention of your Excellency's Government on the Committee on Economic, Social and Cultural Rights, general comments 4, 7 and 20 of specific relevance to this case.

We wish to thank your Excellency's Government for its cooperation and we hope to continue a dialogue on issues related to our mandates.

Please accept, Excellency, the assurances of our highest consideration.

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