

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates 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 and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

REFERENCE:

18 August 2011

Excellency,

We have the honour to address you in our capacities as 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 and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/8, 7/34 and 16/33

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding **the forced eviction of Roma families from several settlements in Rome between April and August 2011 and the clearance of their settlements.**

From the outset, we wish to bring to your Excellency's Government's attention that on 27.4.2011 similar concerns regarding forced evictions of Roma families in Milan were raised (Reference: AL Housing (2000-9) G/SO 214 (78-15) Minorities (2005-4) ITA 5-2010. We regret not having yet an answer from your Excellency's Government.

According to the information received:

On 18 April, around 197 Roma living in the Ex Miralanza camp were evicted, including 40 children. According to information received the residents received no prior notice of the eviction and were not provided with alternative accommodation.

On 22 April, around 166 Roma living in the Via Del Cluniacensi camp in Rome were evicted. It is reported that 100 persons sought shelter in the Church of San Paolo Fuori Le Mura. Reportedly, the local authorities did not provide adequate long term alternative housing solutions to the evicted community. According to information received, two days after the evictions took place the local authorities

provided temporary alternative accommodation for the evicted communities, for a period of two to three months.

On 9 and 10 May around 247 persons, including 132 children were evicted by national and municipal police forces from two Roma camps in Rome (via Candoni and via Salaria). Reportedly, on 17 May the police conducted additional evictions in Via Candoni, of families who had returned to the camp and built new shacks following the first eviction on 9 May.

According to information received, the shacks in which the Roma were living were almost all destroyed. It is reported that the local government conceded that families with children going to school will not be evicted until the end of the school year.

Allegedly, the evictions were implemented without prior notification or consultation with the affected communities and provisional alternative accommodation was offered only to women and children.

According to recent information received, on 8 August, additional evictions of 50 persons took place in via Candoni.

On 1 July, 63 Roma were evicted from a camp in via Cave di Pietralata. Reportedly, residents received no prior notice of the eviction and were not provided with alternative accommodation.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Italy is a party, which states that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources".

As stated in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute gross violations of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7:

“15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. 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.”

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, would like to recall your Excellency's Government that article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by your Excellency's Government on 5 January 1976, provides that “in compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties 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 [...] the right to housing”. In this connection the Special Rapporteur would like to draw your Excellency's Government's attention to General Recommendation N° 27 of the Committee on the Elimination of Racial Discrimination which recommends that the State party“; involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance; act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; act firmly against local measures denying residence to and unlawful expulsion of Roma, and refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities”. The Special Rapporteur would like also to draw the attention of your Excellency's Government to the recommendations accepted during its Universal Periodic Review on 11 February 2010 to: “eliminate all forms of discrimination against the Roma community [...] and ensure equal opportunities for the enjoyment of economic, social and cultural rights, including education, health and housing; strengthen efforts to integrate Roma and Sinti communities through positive

action in the areas of education, employment, housing and social services; continue contribute to the integration of the Roma and the Sinti into local communities, and give them access to housing [...]; ensure full compliance with international law with regard to forced evictions; and investigate all alternatives to forced evictions of Roma and Sinti people, including through thorough consultation with those directly affected”(A/HRC/14/4, paras. 25, 57, 61 and 62; A/HRC/14/4/Add.1).

It is our responsibility, according to the mandates entrusted to us by the Human Rights Council, to clarify all allegations brought to our attention. We would therefore greatly appreciate detailed information from your Government concerning the above situations and about the measures taken by the competent authorities. We would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summaries of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.
5. What measures have been foreseen to ensure that the persons affected by the forced evictions will not become homeless?
6. Were the affected persons offered compensation for the loss of their houses? If not, state the reasons for this decision. What has been foreseen in terms of relocation?

We would greatly appreciate receiving from your Excellency's Government within 60 days the above mentioned additional information. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

Raquel Rolnik

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

Githu Muigai  
Special Rapporteur on contemporary forms of racism, racial  
discrimination, xenophobia and related intolerance