

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; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
UA ITA 4/2020

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Excellency,

We have the honour to address you in our capacity 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; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on minority issues and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 43/14, 36/15, 42/16, 43/8 and 42/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the allegations of imminent eviction of Area F of the Roma settlement Castel Romano "equipped village" in Rome**. We would also like to bring to your attention that the planned eviction would be taking place in the midst of the COVID-19 pandemic while the concerned families are reportedly not being offered alternative housing.

According to the information received:

In September 2005, approximately 800 families from Vlasenica, who had lived in the informal settlement of Vicolo Savini in Rome, were transferred to a mono-ethnic settlement in Castel Romano – within the Decima Malafede Natural Reserve at via Pontina 2501 - and were located in two areas of the settlement named Area K and Area M. Initially, these families lived in tents. Subsequently, the Municipality of Rome provided containers.

In the course of the following years, the settlement reportedly became the largest camp of the Roma minority in Italy, hosting approximately 1,200 individuals. Further "areas" were added to areas K and M mentioned above. In particular, the settlement extended to comprise: the former Tor Pagnotta area, which was created after the eviction of 150 Montenegrin Roma from the Tor Pagnotta settlement in

2010; Area F, which was established following the eviction of approximately 200 Bosnian Roma from the Tor de 'Cenci settlement in 2012; and Area D, which was created following the eviction of approximately 150 Bosnian Roma from the La Martora settlement in 2012.

The Castel Romano settlement is managed by the Municipality of Rome. It is reportedly in a state of overall abandonment and the housing conditions of the residents are grave, as the settlement does not benefit from ordinary maintenance and is seriously deteriorated. Moreover, the settlement is far away from basic services and is not served by the public transport network. Households are not connected to the drinking water network, and access to electricity is unreliable and the settlement is surrounded by a discharge of waste, including special waste transported there from outside the settlement, which has not been collected by the Municipal Environment Company. The unacceptable living conditions has induced many persons to leave the settlement and move elsewhere. At present, approximately 550 people live in the settlement, more than half of which are minors.

On 26 May 2017, the City Council of Rome adopted the “Guideline Plan of the City Council of Rome for the Inclusion of Roma, Sinti and Traveller populations” (Resolution no. 105/2017)¹ within the framework of the National Inclusion Strategy of Roma, Sinti and Travellers. The Plan aims at overcoming Roma, Sinti and Travellers’ residency in camps, reception centres and so-called “villages of solidarity” in the municipality of Rome, including the Castel Romano settlement. It contains specific measures to support access to housing for the residents of the settlement, including an assessment of the situation of each family concerned; assistance to find a house in the private real estate market for the residents whose economic situation allows meeting the related expenses; the adoption of temporary economic support measures in favour of those families who cannot afford housing; the identification of properties in Rome that could be used for emergency housing; assistance for voluntary return; and transfers to other Provinces and Municipalities through coordination and agreements with the competent local authorities. Reportedly, the Plan was developed following a top-down approach and therefore does not take adequately into account the views and needs of the families concerned by the measures envisaged. Settlements that have to date been closed under this plan show important shortcomings, including lack of provision of suitable alternative housing for the evicted persons. The medium- and long-term sustainability of its measures has been questioned.

¹ “Piano di indirizzo di Roma Capitale per l’inclusione delle Popolazioni Rom, Sinti e Caminanti”, “deliberazione della Giunta Capitolina”, no. 105, 26 May 2017

On 8 May 2019, the Municipality of Rome published a public call (“Open procedure for the assignment of the Social Inclusion Project for Roma, Sinti and Travellers and to close the Castel Romano equipped village”) to assign funds under the Social Inclusion Project for Roma, Sinti and Travellers for the provisions of support services in favour of the residents of the settlement. These “support services”, which are part of the implementation of the abovementioned “Guideline Plan of the City Council of Rome for the Inclusion of Roma, Sinti and Traveller populations” and are provided by civil society organizations, consist in the provision of support to find alternative housing for the residents of the settlement, provided that they sign the *Solidarity Responsibility Pact*, or assistance with voluntary repatriation.

The overall objective is to end any residency in Castel Romano and close the settlement by 31 December 2021. In line with the Guideline Plan of the City Council of Rome, the support envisaged includes a variety of measures, such as assistance in finding alternative housing on the real estate market; motivational and material support for those who prefer to look independently for alternative housing; assistance to access available services from associations to find accommodation for those who are unable to access other housing solutions in the short term; and financial assistance to cover part of the rent, for a maximum of 800 euros per month for two years, among others.

The *Solidarity Responsibility Pact* is a contract with the Municipality of Rome that every adult of each family concerned is asked to sign as a prerequisite to access the support service described above. The Pact outlines a number of actions that the beneficiaries will have to fulfil with the objective of promoting their social inclusion. In relation to housing, the Pact stipulates, for example that the beneficiaries commit to: i) provide proof of the use of the economic support received for the payment of the rent or for other related uses contemplated by the Plan; ii) engage with the procedures aimed at obtaining the documents required for the regular residency in Italy; iii) guarantee their availability to attend training courses; and iv) participate in the programme aimed at finding alternative housing solutions with the view to find either autonomously a housing solution; or accept the housing solution proposed by the programme. Reportedly there was no prior consultation with residents of Castel Romano on the content of the Pact and the measures foreseen by it.

On 31 January 2020, three associations were entrusted with the promotion of the ‘support services’ for the 547 people residing in the four areas of the Castel Romano settlement, namely Areas M, K, F and former Tor Pagnotta intended to prepare the residents for the closure of the settlement by 31 December 2021.

On 18 June 2020, a TV programme carried out a visit to the Castel Romano settlement and recorded the inadequate conditions in the camp. The video was then broadcasted on 23 June 2020.

On 23 June 2020, a fire broke out in Area F of the Castel Romano settlement, reportedly linked to the burning of garbage, and destroyed seven housing modules. The families living in the modules affected by the fire relocated to the housing modules of other families in the same area. On the same day, the Special Office for the Roma, Sinti and Travellers committed, by resolution no. 36672, 480,000 EUR for the removal of the waste present in the settlement.

On 24 June 2020, a report by the Health Authority addressed to the police of the Rome Capital and the Lazio Region requested, following a site inspection, that the residents of the settlement should either be evicted on a urgent basis or that acceptable hygienic-sanitary conditions should be restored through environmental interventions within the following seven days should the “particular historical moment” make it impossible to carry out evictions.

On 3 July 2020, a security service by the police was established at the entrance of the settlement and barriers were erected. On the same day, numerous families from Area F were notified of the imminent closure of the area and the obligation to leave the area by 10 September 2020. They were invited to sign the Solidarity Responsibility Pact, mentioned above, in order to be able to access the support measures foreseen in the announcement for the closure of the Castel Romano settlement. Twelve notification documents were delivered and signed, concerning 52 people out of the 96 people living in Area F at that time. Some people refused to sign as they did not understand the content of the notification. Others, although present, did not receive any notification.

On 7 July 2020, the ASL Roma 2 Health Authority required a contingent ordinance to protect the health of the occupants of the settlement by the Mayor and in any case carry out an urgent hygienic and environmental re-qualification.

On 8 July 2020, the Lazio Region instructed the Municipality of Rome to proceed with the steps necessary for the definitive closure of the settlement.

On 10 July 2020, the City Council of Rome decided to contain ‘environmental criticalities’ and to end residency in the Castel Romano “solidarity village” and to initially proceed with the evacuation of the Area F.

On 23 July 2020, a civil society organization tried to organize a dialogue between a delegation of parliamentarians, regional and municipal councilors, whom it invited to the settlement, and the settlements’ residents. A Police cordon however

impeded their access to the site, and only after two hours of negotiations, the delegation was able to enter the settlement.

On 27 July 2020, a petition was submitted to the Mayor of Rome requesting to halt the eviction in light of the COVID-19 pandemic and in accordance with Law Decree no 18 of 17 March 2020, as subsequently amended, providing for a moratorium on evictions until 31 December 2020.²

To date, the people concerned by the imminent eviction have not been offered adequate alternative housing solutions. It has also been reported that the support measures envisaged under the “Open procedure for the assignment of the Social Inclusion Project for Roma, Sinti and Travelers people and to close the Castel Romano equipped village”, have been interrupted due to the COVID-19 pandemic.

Without prejudging the accuracy of the information received, we wish to express our serious concern about the imminent risk of forced eviction of the residents of Area F of the Castel Romano Settlement without any adequate resettlement or provision of alternative accommodation by the relevant state authorities, contrary to international human rights law. We are deeply concerned that these situations are occurring in the context of the COVID-19 crisis, thereby exposing these families to a great risk for their health and life, and heightening the risk of spreading the contagion. Whereas we note that public health reasons linked to the hygienic-sanitary conditions of the site may have triggered the decision to proceed with the eviction, we remain concerned that the residents of the Area F have reportedly not been consulted on the measures adopted, that no alternative housing has been made available to them yet and that no information is available as to whether the health of the settlement’s occupants is effectively protected at present through environmental interventions that restore the hygienic-sanitary conditions of the settlement. It appears that since the establishment of the settlement in 2005 for many years, the State has failed to ensure adequate living conditions in the Castel Romano settlement, resulting in a situation not in conformity with the rights to adequate housing, water, sanitation and health.

We would like to draw the attention of your Excellency’s Government’s to its obligations under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Italy in 1978, which recognizes the right of everyone to an adequate standard of living for himself and his family, including housing, as well as its obligations under articles 6 and 17 of the International Covenant on Civil and Political Rights (ICCPR), ratified on 1978, on the rights to life and to non-interference with privacy, family, home or correspondence.

² See article 17*bis* of Law No. 77 of 17 July 2020.

As clarified by the Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.³ Paragraph 15 of the same General Comment provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances, evictions should result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We also wish to recall that whereas some evictions may be justifiable, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected.⁴

We would like to also refer to ICESCR article 12 and Article 25 of the Universal Declaration of Human Rights which protect the right to health in terms of the social and environmental conditions affecting individual's health and in terms of health care services. The right to health extends not only to timely and appropriate health care but also to the underlying determinants of health, such as, access to potable water and sanitation, food, nutrition, to housing, and to healthy occupational and environmental conditions (CESCR General Comment No. 14, para. 11). States have an immediate obligation not to discriminate in terms of the access to both health care and the underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of, inter alia, race, national or social origin, birth, civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health (Ibid, para.18). States have also a duty to adopt measures against environmental and occupational health hazards and against any other threat as demonstrated by epidemiological data (Ibid, para. 36).

We recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its General Comment No. 15, the Committee on Economic, Social and

³ The Committee on Economic, Social and Cultural Rights, General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions (1997), para. 4.

⁴ Ibid. para. 11.

Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

Recognizing that the individuals affected are members of the Roma minority, we would like to bring to your Excellency’s Government’s attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which inter alia refers to the obligation of States to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law, including in the enjoyment of the right to housing.

We would also like to refer your Excellency's Government to the Principles on security of tenure for the urban poor (A/HRC/25/54) and Guidelines for the Implementation of the Right to Adequate Housing (A/HRC/43/43), notably guideline no. 6 on forced evictions, as well as the “COVID-19 Guidance Note: Prohibition of evictions” and the “COVID-19 Guidance Note: Protecting residents of informal settlements” elaborated by my predecessors. In addition, we would like to recall your Excellency Government’s obligations under the European Convention on Human Rights, including article 8, on the right to family and private life and protection of the home, and the revised European Social Charter.

Given the urgency of the situation of persons affected by the eviction orders, we call upon your Excellency’s Government to urgently halt such evictions and to restore the hygienic-sanitary conditions of the settlement. While involuntary evictions to protect the health and life of a resident may in exceptional circumstances be compliant with international human rights law, such evictions should only take place after consultation with affected individuals and require that evicted persons are provided with alternative accommodation and necessary assistance in accessing food, clothing, water and sanitation facilities and services. In the case of closing an informal settlement due to serious health reasons, adequate, alternative, affordable long-term housing solutions require to be offered to the affected individuals that fulfil their housing needs and ensure as well under the current COVID-19 pandemic stable and healthy living conditions, including housing arrangements that provide sufficient space and rooms to the members of the affected

households to allow for privacy and physical distancing and adequate access to safe drinking water and sanitation.

Such measures should start by a prompt investigation on the number of persons affected disaggregated by gender, age, disabilities and other factors and their needs, while ensuring their meaningful participation in the design and delivery of the assistance required, as well as in any decision that may affect their human rights. Furthermore, in the context of the current crisis caused by the COVID-19 pandemic, we urge your Excellency's Government to uphold the prohibition of eviction issued with Law Decree no 18 of 17 March 2020, as subsequently amended, and ensure that no forced evictions are carried out until the end of the pandemic and for a reasonable period of time thereafter.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide any information about any measures taken since 2005 to ensure adequate and healthy housing conditions, including access to safe drinking water and sanitation for the residents at Castel Romano. Please indicate since when is it known to the authorities that close to the settlement, waste, including special waste is deposited and who provided authorization for such waste dumping. Were prior to 24 June 2020 any studies about potential health risks for the residents of Castel Romano undertaken, including their potential exposure to toxic wastes?
3. Please provide information on the measures taken to protect at present the health of the settlement's occupants, including through environmental interventions that restore the hygienic-sanitary conditions of the settlement.
4. Please indicate if all feasible alternatives to eviction have been explored in the alleged case. In the affirmative, please provide details as to why

proposed alternatives to the eviction have been deemed unsuitable. In the negative, please explain why feasible alternatives to the eviction were not explored.

5. Please provide information on any specific measures implemented by the Government to prevent the negative human rights impact of the evictions, including the rights of residents to adequate housing (both emergency shelter and long-term housing solutions), health, water and sanitation, food and education, as well as on any specific action taken to protect the rights of the persons affected by the evictions and at risk of eviction due to the heightened risks for their health in the context of the COVID-19 pandemic.
6. Please describe what concrete housing alternatives are currently available to the families concerned by the imminent eviction to ensure that no one remains homeless or lives in substandard conditions as a result of the eviction.
7. Please indicate how it ensured that the persons concerned by the evictions in the Castel Romano settlement participate meaningfully in the design, implementation and monitoring of the plans and programmes directed at the closure of the site and their relocation and what special measures have been adopted to ensure the participation of women, persons with disabilities and other groups who may be experiencing discrimination and marginalization.
8. Please provide information on the implementation of the Guideline Plan of the Rome City Council for the Inclusion of Roma, Sinti and Traveler minorities.
9. Please provide information on the measures adopted in practice under the “Open procedure for the assignment of the Social Inclusion Project for Roma, Sinti and Travellers people and overcoming of the Castel Romano equipped village” with a view to promoting access to adequate housing for the residents of the Castel Romano Settlement.
10. Please provide information on the measures adopted in practice to ensure full application of the prohibition of eviction issued with Law Decree no 18 of 17 March 2020, as subsequently amended and any action taken to ensure access to effective remedies in case of violation.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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