



PROCEDURES SPECIALES ASSUMÉES PAR
LE CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES ASSUMED BY THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Special Rapporteur on the human rights of migrants, Independent Expert on Minority Issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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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, Special Rapporteur on the human rights of migrants, Independent Expert on Minority Issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Commission on Human Rights resolutions 2004/21, 2005/47, 2005/79 and 2005/64 respectively, to the General Assembly resolution 60/251 and to Human Rights Council decision 5/1.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received **regarding incidents of evictions of Roma communities in Rome and Pisa**. According to this information, Roma communities in Italy face discrimination and violations of their right to adequate housing, including being subjected to forced evictions.

For instance it is reported that on 19 July 2007, the Italian police in cooperation with the Romanian police, which was present at the site, forcibly evicted approximately 1000 Roma from a settlement in Via dell'Imbarco, Magliana suburb, Rome. Earlier in July 2007, the police and the municipal wardens forcibly evicted approximately 100 Romanian Roma from a settlement in Bagno di Tivoli, near Rome. During both operations personal belongings and dwellings were allegedly destroyed.

On 25 June 2007 the mayor of Rome, Mr. Walter Veltroni, travelled to Romania for an official visit to discuss with the mayors of Craiova, Calarasi and Turnu Severin, the Prime Minister of Romania, Mr. Calin Popescu Taricenu, and the secretary of the Social Democratic Party, Mr. Mircea Geoana, the possibility of setting up a development model to reduce the number of migrants to Rome, and create favourable conditions for their return.

Following Mr. Veltroni's visit, an agreement was signed between your Excellency's Government and Romania, whereby the police of these countries would collaborate concerning the eviction, identification and repatriation of Roma of Romanian origin living in settlements in the city of Rome. Despite the declaration that this would be a plan for "voluntary return", there are allegations that the intention is to repatriate Roma settlers forcibly.

H.E. Mr. Giovanni Caracciolo di Vietri
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It should be noted that the Vice-President of the European Commission, Mr. Franco Frattini, recently stated that “it is not true that European citizens cannot be repatriated... There is a very clear directive, valid for all citizens of the European Union that provides for the expulsion for all those who cannot prove to have adequate means of subsistence to live in a dignified way”. It appears that this statement is being used by politicians in anti-Roma speeches. For instance, the mayor of Verona, Mr. Flavio Tosi, who had previously been sentenced to two months imprisonment for racist propaganda against Roma, used the above statement to affirm that many of the Romanian Roma living in a “nomad camps” can be repatriated.

The information received also indicates that the evictions of the past month in Rome form part of a pattern of discrimination against Roma communities.

We wish also to bring to the attention of your Excellency’s Government information we received on another incident concerning forced evictions of a Roma community and inadequate housing conditions where this community was subsequently living as a result of the evictions. On 11 August 2007, four Romanian Roma children, Lenuca, Danchiu, Dengi and Eva, died in a fire that burned down, for reasons yet unknown, in the hut where they were temporarily living with their parents in Livorno, following their forced eviction from Pisa in May 2007. The parents are currently in detention, charged with abandonment of minors and parental negligence.

Without implying any conclusion as to the facts mentioned above, we should like to draw the attention of your Excellency’s Government to the interpretation of provisions contained in the international legal instruments which your Excellency’s Government ratified.

Article 11 of the International Covenant on Economic, Social and Cultural Rights, which states that “Governments must take appropriate steps to ensure the realization of an adequate standard of living, including housing, and to the continuous improvement of living conditions”.

In 1991 the Committee on Economic, Social and Cultural Rights adopted General Comment No. 4 on the right to adequate housing, which defines seven basic contents of the right, which Government must ensure. With “due priority to those social groups living in unfavorable conditions,” these include 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.

General Comment No. 7 on forced evictions, adopted by the Committee in 1997, recognized that “forced evictions are prima facie incompatible with the requirements of the Covenant” and provided explicit legal guidance on how Governments can pursue enduring solutions. The Committee further stated that:

“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.”

We would also like to draw the attention of your Excellency's Government to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, under which 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 civil, economic, social and cultural rights, including the right to housing (article 5 (e) (iii)).

In addition, we deem it appropriate to refer to the General Recommendation No. 27 on discrimination against Roma, adopted by the Committee on the Elimination of Racial Discrimination, which encourages States parties to the Convention:

“30. To develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing; to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance.

31. To 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; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities”.

The Special Rapporteur on adequate housing has repeatedly drawn the attention of the international community to the worrying practice of forced evictions worldwide. Forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions can only be carried out under exceptional circumstances and in full accordance with international human rights law. In view of this, the Special Rapporteur has recently developed a set of guidelines, presented in his most recent report (A/HRC/4/18), that aims at assisting States in developing policies and legislations to prevent forced evictions at the domestic level. The guidelines were attached to the earlier communication dated 10 May 2007. Your Excellency's government may find useful in the current circumstances the sections of the enclosed guidelines that focus on State obligations prior to, during and after evictions.

We would also like to recall that, on a number of occasions, the United Nations Committee on the Elimination of Racial Discrimination has expressed concern at the treatment of Roma by national authorities. In 2000 and 2004 the United Nations Committee on Economic, Social and Cultural Rights also expressed its concerns at the marginalization of Roma communities with regard to housing. These concerns were also expressed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance following his official mission to the country in October 2006. In his mission report, presented to the 4th session of the Human Rights Council, the Special Rapporteur recommended the Government of Italy to recognize the Roma and Sinti as national minorities and protect and promote their language and culture. He also recommended the Government to promote the construction of multiculturalism and adopt a comprehensive national policy towards these communities, in particular to address their poor housing conditions, lack of documents, high dropouts of their children and their difficulties in accessing employment. The Special Rapporteur noted that Roma and Sinti should be among the priority beneficiary groups of social inclusion policies (A/HRC/4/19/Add.4, par. 79).

In addition, in 2005, the European Committee of Social Rights found Italy in violation of the Revised European Social Charter, as a result of the Government's failure to promote access to housing of an adequate standard to Roma, to prevent and reduce homelessness among Roma, and to make the price of housing accessible to Roma without adequate resources. The Committee found also a violation of the prohibition of discrimination.

Finally, we would also like to bring to your attention the obligations under the 1992 United Nations Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities. Article 4 establishes that “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”. Moreover, Article 5.1 provides that “National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.”

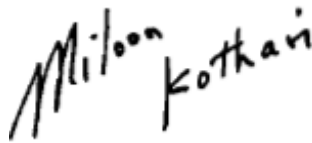
As it is our responsibility, according to the mandates entrusted to me by the Commission on Human Rights and assumed by the Council, to clarify all allegations brought to our attention, we would be most grateful if your Excellency's Government could provide additional information to clarify all the circumstances of these cases and in particular the following measures taken by the authorities:

- (1) Inform tenants about their legal rights and steps taken to ensure their protection including legal aid for persons with low-income;
- (2) Protect the rights and access to basic services including water, electricity and heating;
- (3) Ensure that private security companies and the public security forces act in conformity with the law in the situations mentioned above;
- (4) Ensure that the evictions do not result in homelessness;
- (5) Avoid any form of discrimination toward the Roma communities;
- (6) Ensure consultation with the affected communities and their representatives at all stages of the eviction procedure;
- (7) Ensure impartial monitoring of evictions, if they have to occur;
- (8) Envisage all alternative solutions to resettlement of the persons affected by the evictions.

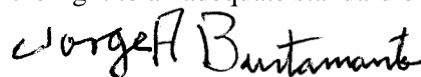
We would also be grateful to receive information concerning the housing and basic services conditions of the evicted people mentioned in this communications.

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

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



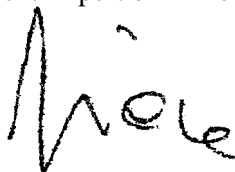
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