

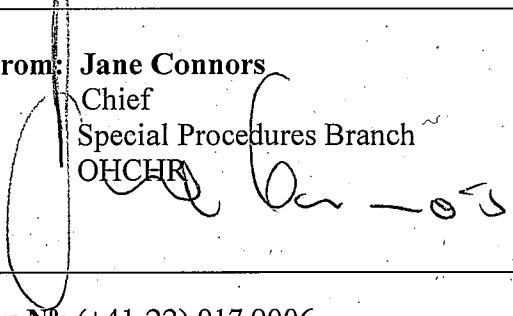


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To: H.E. Ms. Laura Mirachian Ambassador Extraordinary and Plenipotentiary Permanent Representative of Italy to the United Office at Geneva	From: Jane Connors Chief Special Procedures Branch OHCHR 
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Date: 27 April 2010	Number of pages - (this one included) : 6
Subject: COMMUNICATION FROM SPECIAL PROCEDURES ALLEGATION LETTER AL Housing (2000-9) G/SO 214 (78-15) Minorities (2005-4) ITA 5/2010	

Please find attached an allegation letter sent 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 contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Independent Expert on Minority Issues



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Independent Expert on Minority Issues

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REFERENCE: AL Housing (2000-9) G/SO 214 (78-15) Minorities (2005-4)
ITA 5/2010

27 April 2010

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, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Independent Expert on Minority Issues, pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 6/27, 7/34 and 7/6.

We would like to bring to your Excellency's Government's attention information we have received concerning the forced eviction of Roma families in Milan and the clearance of their settlements.

According to the information received:

On 9 April 2010, a deployment of 30 local police officers allegedly cleared three Roma settlements in Via Siccoli, Via Guglielmo Pepe and Ponte delle Milizie. More than 100 Roma citizens living in conditions of extreme hardship (among them sick and handicapped people, pregnant women and children) were purportedly charged with illegally occupying private land and forced to leave their makeshift shelters despite having nowhere else to go, or being offered any social assistance. The huts the families were living in were reportedly bulldozed, while

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H. E. Ms. Laura Mirachian
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the areas will apparently be "secured" to prevent the Roma or homeless returning to the site.

It is reported that the Government of Milan has also adopted repressive measures against the Roma who live in "authorized camps" and is allegedly planning to install twenty surveillance cameras over the entrances to the settlements in Via Triboniano, Via Idro, Via Chiesa Rossa and Via Martirano. The cameras will allegedly be linked up to police and Carabinieri stations to control the families living in the camp. Reportedly, the project initiated by the local authorities, has been approved by the City Police Chief and will purportedly cost an estimated of 479,000 Euros. In addition, 12 million Euros are apparently spent every year on clearing Roma settlements. The implementation of these policies has reportedly caused a situation of extreme hardship and marginalization for more than one thousand Roma people in the area.

In addition, on 21 January 2010, eighty makeshift shelters were allegedly bulldozed by the Milanese authorities. The huts were reportedly razed to the ground along with their contents: blankets, winter clothes, stoves for heating and essential medicines. The forced eviction took place in Via Sant'Arialdo, near the Chiaravalle Abbey, where about 150 Roma citizens, including children, pregnant women and sick people, were purportedly thrown out onto the street. Furthermore, 95 Romanian Roma were reportedly charged with illegally occupying a plot of land and may be subject to mass expulsion as the authorities have allegedly ordered them to leave the city.

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 repeatedly stated, including in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie 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."

Furthermore, we draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 4.1. of the Declaration states 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." We note that the alleged evictions of members of the Roma minority community may have additional serious implications including in regard to the welfare and health of affected individuals and the right to education of affected Roma children. In this regard she would like to seek further information and assurances from your Excellency's Government.

We 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 we would like to draw your Excellency's Government attention to General Recommendation N° 27 of the Committee on the Elimination of Racial Discrimination which recommends that the State party "develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing; 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". In this regard we also invite your Excellency's Government to implement the Concluding observations of the Committee on the Elimination of Racial Discrimination on Italy (CERD/C/ITA/CO/15, 16 May 2008) concerning discrimination against Roma, including in housing.

Finally, we would like to recall your Excellency's Government that under article 5 of the Convention on the Elimination of All Forms of Racial Discrimination the State party "undertake [...] 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 own property alone as well as in association with others, the right to security of person as well as the right to freedom of movement and residence within the border of the State".

As it is our responsibility, according to the mandate entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention. We would therefore greatly appreciate detailed information from your Government concerning the above situation 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 summary of the case 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 and displacements, will not become homeless?
6. Were the affected persons offered compensation for the loss of their houses and livelihood? 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 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.



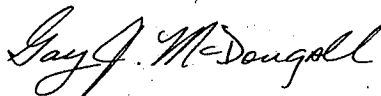
Raquel Rolnik

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



Gay McDougall

Independent Expert on Minority Issues

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