
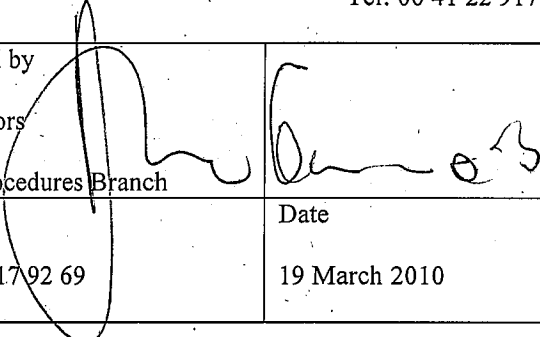


Sent to An 19/03/2010

NATIONS UNIES		 UNITED NATIONS	
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS			
Palais des Nations CH-1211 Geneva 10		Telex: 41 29 62 Fax: 00 41 22 917 90 06 Tel: 00 41 22 917 92 55	
	Authorized by		
	Jane Connors Chief Special Procedures Branch		
Room No.	Tel No.	Date	
3-017	00 41 22 917 92 69	19 March 2010	
Priority	To:		
IMMEDIATE	H.E. Ms. Laura Mirachian Ambassador extraordinary and plenipotentiary Permanent Representative of Italy to the United Nations Office Permanent Mission Permanente of Italy to the United Nations Office in Geneva Fax: 022 734 67 02 - 733 07 83		
File No.			
UA Housing (2000-9) Minorities (2005-4) G/SO 214 (78-15) ITA 4/2010			
Subject: COMMUNICATION FROM SPECIAL PROCEDURES: URGENT APPEAL			

(5 PAGES ATTACHED)

Please find attached an urgent appeal 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 Independent Expert on Minority Issues; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

We would be grateful if this communication could be transmitted at your earliest convenience to H.E. Mr. Franco Frattini, Minister for Foreign Affairs.



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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Palais des Nations
CH-1211 GENEVE 10

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

19 March 2010

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; Independent Expert on Minority Issues; 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 6/27, 7/6, and 7/34.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received according to which **the housing plan - "Nomad Plan" - implemented in the Commune of Rome has already resulted in the eviction of hundreds of Roma and paves the way for thousands more over the coming months.**

According to the information received:

The "Nomad Plan" was launched on 31 July 2009 by representatives of the Commune of Rome and the Prefect of Rome pursuant to a Presidential decree adopted in May 2008 declaring a "Nomad Emergency". The plan is scheduled to be implemented by June 2010. The "Nomad Plan" provides for the forced evictions of thousands of Roma and the resettlement of most, but not all, of them in new or expanded camps. Reportedly, according to the census carried out in Rome, around 7,200 Roma live in camps across the city, of which 2,220 live in seven "authorized camps", 2,750 in 14 "tolerated camps" and 2,200 in 80 "unauthorized camps". The "Nomad Plan" allows the relocation of 6,000 Roma in 13 camps which it refers to as "villages". These "villages" will allegedly consist

H.E. Ms. Laura Mirachian
Ambassador extraordinary and plenipotentiary
Permanent Representative of Italy
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of maintained or expanded "authorized camps", three expanded "tolerated camps", two new camps and one transitional structure. However, it is unclear what will happen to those 1,200 Roma for whom there will be no place in the "villages", since the rest of the Roma settlements will be destroyed. Over the last few months at least five different camps, including "Casilino 900", one of Europe's largest Roma camps, were closed leaving hundreds of Roma families homeless.

The allegations received express concern over the eligibility criteria for lodging in one of the camps. Reports received indicate that official documents refer only to those "having the right" to a place but don't define who they are or what will happen to the rest of the people. It has been reported that eligibility criteria would be based on possession of authorized residence in Italy. In such case, evictions will allegedly be used as a punitive measure to force people to leave the country. On the other hand, there have been reports that implementing authorities plan to determine who has access to the "villages" based on whether the person under consideration had been involved in criminal activity.

The information received alleges that so far the "Nomad Plan" has been implemented without consultation with the people affected. Reportedly, the affected Roma communities lack information about the plan and the way it will influence their lives. Neither Roma organizations nor NGOs working with Roma participated in the elaboration of the plan. Reportedly Roma communities were not given any alternatives - they either have to transfer to the new camps, or to become homeless. They also were not consulted in relation to how the resettlement should take place. Therefore there are fears that Roma communities will be resettled in the camps without regard to their family ties or national origins. In addition, the reports received indicate that the "Nomad Plan" will reduce people's access to employment and essential services. Many of the "villages" may also be more isolated due to a complete lack of public transport. There are also concerns that the children's schooling will suffer because they will be forced to change schools or travel even further each day.

The allegations received claim that many Roma have to live in camps because they cannot access the private housing due to the high costs of rent. At the same time, social housing is also unavailable to them, because one criterion for the allocation of social housing in Rome, under the current points system, is prior eviction from private housing. Reportedly, the evictions from the "authorized" and "tolerated" camps are not treated as equivalent to expulsions from private sector accommodation for the purposes of determining access to social housing.

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 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 also would like to draw your Excellency's attention to the Concluding Observations on Italy of the Committee on the Elimination of All Forms of Racial Discrimination (CERD/C/ITA/CO/15), which state that "The Committee, recalling its general recommendation 27, recommends that the State party 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. The Committee further recommends that the State party act firmly against local measures denying residence to Roma and the 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 basic facilities”.

Furthermore, the Independent Expert on minority issues draws 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." The Independent Expert notes that the alleged evictions of members of the Roma minority community may have additional serious implication 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.

As 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 Excellency's 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:

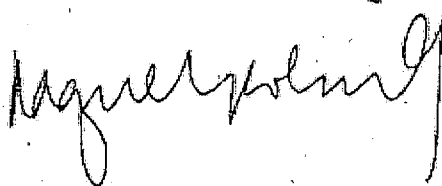
1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this evictions. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. On what legal basis are the evictions carried out?
5. Is your Excellency's Government aware that the number of Roma actually living in camps exceeds the number of Roma whose resettlement is envisaged pursuant to the "Nomad Plan"?
6. Has your Excellency's Government designed a policy addressing housing needs of the people who have been and will be left homeless as a result of the implementation of the "Nomad Plan"?
7. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.
8. What are the criteria used for deciding who is eligible for resettlement?

9. Were the affected populations given adequate and reasonable prior notifications before the evictions and housing demolitions? If yes, please provide the dates of notifications. Were the affected persons given adequate and reasonable times to withdraw their belongings before the destruction of their residences?

10. What measures have been foreseen to ensure that the persons affected by the housing demolition, will not become homeless? 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?

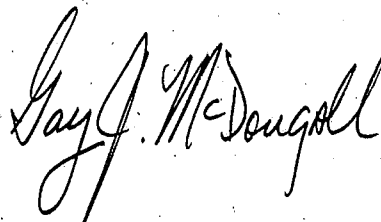
We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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



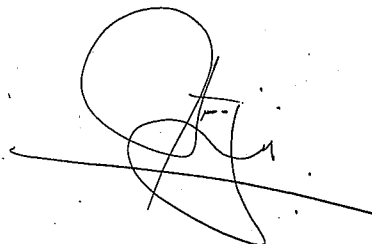
Raquel Rolnik

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



Gay McDougall

Independent Expert on Minority Issues



Githu Muigai

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

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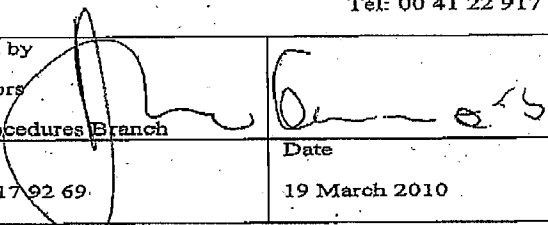
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Priority IMMEDIATE	To: H.E. Ms. Laura Mirachian Ambassador extraordinary and plenipotentiary Permanent Representative of Italy to the United Nations Office Permanent Mission Permanente of Italy to the United Nations Office in Geneva Fax: 022 734 67 02 - 733 07 83		
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