



The Italian government introduced the “Nomad Emergency” legislation in 2008, which led to widespread discrimination against and violations of the rights of Roma across the country. It was ruled unlawful by the Council of State, Italy’s highest administrative court, in November 2011. However, very little has changed for Roma since.

THE END OF THE “NOMAD EMERGENCY”

In the 10 months since the “Nomad Emergency” was struck down, hundreds of Roma have been forcibly evicted in Rome and Milan and left homeless. Plans for the closure of several authorized or “tolerated” camps continue to be pursued despite the absence of proper safeguards and procedures. Living conditions in most authorized camps remain very poor as the authorities have failed to take action to improve them; conditions in

informal camps are even worse, with little access to water, sanitation and energy. Ethnic segregation in camps is perpetuated and Roma remain largely excluded from social housing.

The National Strategy for the Inclusion of Roma, presented by the Italian government to the European Commission in February 2012, on paper marks a different approach. Its stated aim is the promotion of equal treatment, the economic and social inclusion of Roma and the enduring and sustainable improvement of their living conditions. However, it remains seriously inadequate in addressing some of the gravest violations, particularly forced evictions. Although the National Strategy acknowledges an excessive use of evictions in the past, there is no mention of the ongoing systematic forced evictions and no plan of action to prevent and address them. Additionally, to date, no concrete measures have been taken to implement the strategy. Further, the National Office against Racial Discriminations (UNAR), in charge of co-ordinating the National Strategy, is undergoing severe budget and staff cuts.



International human rights bodies have continued to criticize Italy's treatment of Roma. For example, the UN Committee on the Elimination of Racial Discrimination criticized Italy in March 2012 for the ongoing marginalization and discrimination of Roma, and in particular for continuing targeted evictions and de facto segregation in camps. The Committee recommended that Italy takes "appropriate measures to provide effective remedies to members of Roma and Sinti communities for all the negative effects that followed the

implementation of the [Nomad Emergency Decree], including by providing appropriate housing for them, and ensuring that segregated camps are not the only housing solution available to them."

Amnesty International is concerned that the authorities have failed to change their policies and practices regarding Roma in light of the Council of State ruling. This briefing details continuing violations of Roma's right to adequate housing since November 2011, with examples from both

Rome and Milan, and recommends key measures that the Italian government should urgently implement to meet its obligations under international law.

WHAT IS THE "NOMAD EMERGENCY"?

On 21 May 2008, the government used Law 225/1992 to declare a state of emergency in relation to the settlements of "nomad" communities in Lombardy, Campania and Lazio and later extended it to Piedmont and Veneto. The Council of Ministers claimed that the state of emergency was declared to address a "situation of grave social alarm, with possible repercussions for the local population in terms of public order and security". Special powers were conferred

on delegated commissioners to solve the emergency, including by derogating from ordinary laws. Amnesty International has criticized this legislation and its effect in several documents including *The wrong answer: Italy's 'Nomad Plan' violates the housing rights of Roma in Rome* (Index: EUR 30/001/2010) and *Italy: 'Zero Tolerance for Roma'* (Index: EUR 30/020/2011).

above left to right: On 25 July 2012, the authorities began the transfer of approximately 200 Roma from Tor de' Cenci camp to the new La Barbuta camp. The containers where they had lived were immediately demolished. front cover: A shack in the informal Rubattino camp, Milan, 2010. Families had placed signs on their shacks with the names of the people living in each of them and stating that the shack was their home, in an attempt to protect them from destruction. Around 250 people, including Madalina and her family (see page 15) were forcibly evicted on 7 September 2010. © Stefano Pasta (Comunità di Sant'Egidio)



COUNCIL OF STATE DECISION 2011

In 2008 the Sulejmanovic family, a husband and wife from Bosnia and their 13 children (all born in Italy except the oldest), together with the European Roma Rights Centre, brought a case against the “Nomad Emergency” before the Council of State. They alleged racial discrimination and other flaws in the decree and the ordinances of the “Nomad Emergency”.

On 16 November 2011, the Council of State ruled that the state of emergency declared in relation to the presence of “nomad” communities in the regions of Campania, Lazio, Lombardy, Piedmont and Veneto, was unfounded and unsubstantiated. The government had not identified the specific facts that would have justified the use of extraordinary powers in relation to the alleged emergency caused by the “nomad” settlements.

All acts issued by the delegated commissioners to the emergency were declared illegitimate, including the fingerprinting and photographing of everyone in “nomad” settlements, carried out under the “Nomad Emergency”. The Regulations issued by the delegated commissioners for the authorized camps of Lazio and Lombardy in 2009 were also ruled unlawful and in breach of the right to freedom of movement, work, privacy and family life.

Although the Council of State found in their favour, the Sulejmanovic family has yet to receive any form of reparation for having been subjected to the discriminatory measures adopted under the “Nomad Emergency”. The government has appealed against the ruling, alleging that the court went beyond its powers of scrutiny of the acts of the government and the case is pending before the Court of Cassation.

FAILURE TO REMEDY VIOLATIONS CAUSED BY THE “NOMAD EMERGENCY”

To Amnesty International’s knowledge, no reparation has been provided to date to any of the Romani individuals who suffered violations of their rights, such as to adequate housing, education, equality before the law, freedom of movement, family life, and freedom from discrimination, under the “Nomad Emergency”. On the contrary, many of these violations continue.

Between 2009 and 2011, 61 families were expelled from Via Triboniano, Via Barzaghi, and other camps for alleged breaches of Milan’s 2009 Regulation for authorized camps. Necessary safeguards required under international law such as the provision of alternative accommodation, were not provided by the authorities. Those expulsions therefore amount to forced evictions. Subsequently some of the families have moved to informal settlements where they are even more exposed to human rights violations.



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VIA TRIBONIANO, MILAN

Daniel has lived in Italy for 12 years and was a resident of the authorized camp of Via Triboniano. He and his family were forcibly evicted in May 2010 for an alleged breach of the 2009 Regulation for authorized camps.

“I am mighty upset. I lived in an authorized camp, I worked, my children were going to school, and now I have nothing”, he said.

After the destruction of their home, the family stayed in the camp without authorization for a few months, but were later ordered to leave. They had to sleep in their car for a few weeks:

“I had a job as a builder, but I lost it, because I couldn’t use the car for work, as I had to use it as home.”

They asked the municipality for alternative accommodation so that the children could attend the same school until the end of the school year, but none was offered. Since May

2011, they have been living in an informal camp on the outskirts of Milan. They were forcibly evicted by local authorities five times between May and November 2011 alone. Each time they rebuilt a shack in the same area. After the latest eviction, in November 2011, the camp’s residents rebuilt their shacks in the only space available, next to the place where they had piled rubbish for months, infested with rats.

Daniel’s children, who are 18, 14 and 9, stopped going to school after the eviction from Via Triboniano.

“The children are sad not to go. But we are not managing, we are not stable enough, there are too many evictions, and what do we do if there is another eviction and we have to go somewhere else? They can’t change 10 schools in a year.”

Daniel’s family has a right to an effective remedy for the violations suffered as a result of the forced eviction from Triboniano in May

2010. In addition to his eviction being unlawful under international law, the legal basis for it under domestic law – the 2009 Regulation for authorized camps – was deemed unlawful by the Council of State. Yet Daniel and many Roma in the same situation continue to be denied access to an effective remedy and reparation for the harm they suffered.

The final closure in May 2011 of the camps of Via Triboniano and Via Barzaghi, also implemented using the unlawful “Nomad Emergency” powers, led to the forced eviction of 108 families. Again, none have received any form of reparation.

above left: Roma camp in Via Barzaghi-Triboniano Milan, May 2010.

above: Daniel’s current home, in an informal camp in the area of Via Novara, Milan, May 2012. The only land available for him to construct his shack is right next to the rubbish dump, infested with rats.

FORCED EVICTIONS CONTINUE

During 2012, the authorities failed to ensure that Roma enjoyed the minimum degree of security of tenure to which they are entitled under international law. Authorities in Rome and Milan have continued to carry out forced evictions of informal settlements and also to pursue plans devised under the “Nomad Emergency” to close authorized and tolerated camps.

INFORMAL CAMPS

According to local authority sources in Rome, in the first six months of 2012, over 850 people were evicted from informal camps. Emergency shelter was offered only in 209 cases, all mothers and children, and was accepted only by five mothers and their nine children, as the majority refused to be separated from their families.

According to local NGOs, evictions in Milan reportedly decreased for a few months from the end of 2011, but have since resumed with over 400 people affected by the end of July 2012.

Amnesty International's research concludes that the majority of these, in both cities, have been forced evictions, prohibited under international law. In most cases, affected people were not consulted on the eviction process or offered the opportunity to consider any feasible alternatives. They were either not given any notice or were informed verbally a few days before the eviction; there was no written document indicating the legal grounds for the eviction and the procedures available to challenge it, although sometimes they were given documents informing them that criminal proceedings were opened against them, generally for invasion or occupation of land or buildings belonging to others.

Temporary emergency shelter continued to be offered in most cases only to women and small children, but was refused by most Romani families who did not want to

be separated. (Although Milan authorities have not clarified whether this will be common practice, on 5 July 2012, they offered temporary accommodation to whole families when evicting residents of informal settlements in the area of Via Forlanini, as opposed to only mothers and small children. The families refused the offer, fearing they would have been left without assistance anyway after a short time.)

Amnesty International has found that the vast majority of the Roma evicted in 2012, especially those from informal settlements, were not provided with adequate alternative accommodation and left homeless. In many cases they have ended up setting up shacks close to where they were before the eviction, often in even more precarious conditions, with worse access to water and sanitation and other services and less protected from the weather, and rat and mice infestations. In many cases the only place they have found to build their shack is close to dangerous roads or railway tracks. Often, their few possessions were lost or damaged during the eviction. The same group of people can experience several forced evictions within a short period.

above right and right: Residents of the informal camp of Via Severini, Rome, are forcibly evicted on 26 March 2012. About 50 Roma were reported to live in this settlement. Families were given a few hours to collect their stuff, after which the bulldozers took over.





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VIA SEVERINI, ROME

At about 7.30 am on 26 March 2012 Amnesty International witnessed the forced eviction of an informal settlement of about 50 Roma from Romania in Via Severini, Rome. The Via Severini inhabitants said that there had been no prior consultation on possible alternatives to the eviction. Local police had visited the camp a few days before the eviction to warn them verbally, but no written notification had been issued.

Representatives from social services offered temporary accommodation to only one mother and her children, as she was considered to be

especially vulnerable. The family nonetheless refused it.

The community was evicted again from a nearby settlement on 11 June 2012. According to local NGOs, the inhabitants have now dispersed to several small informal settlements south-east of Rome.



AUTHORIZED AND “TOLERATED” CAMPS CLOSED

Under the “Nomad Emergency”, plans were devised in both Rome and Milan for the closure of several authorized and so-called “tolerated” camps. Between 2010 and 2011, the implementation of these plans led to the closure of camps such as Casilino 900 and La Martora in Rome, and Via Triboniano and Via Barzaghi in Milan.

The authorities continue to use different procedures for evicting people from authorized and “tolerated” camps in comparison to evictions from other forms of social housing. After their camps are closed, residents are moved to other existing camps, resulting in overcrowding and segregation, or are offered merely temporary solutions, such as 12-month stay in a social housing unit or a 12-month rental subsidy.

In Rome, Roma from Casilino 900 and La Martora camps were transferred to other authorized camps, such as Salone and

Castel Romano, with the promise that it would be for a few months until suitable accommodation could be found. After over two years they are still there, in extremely overcrowded camps with substandard housing and failing infrastructures.

The Milan authorities offered alternative housing solutions, limited to 12 months, following the closure of the Triboniano and Barzaghi camps in 2011. Most of the families who accepted the 12-month rent subsidy or social housing are still unable to support themselves fully. Most of them are only able to remain in their accommodation because they receive assistance from a religious organization.

The offer of accommodation or a rent subsidy for 12 months is wholly inadequate. Prior to the “Nomad emergency” people could stay in authorized camps for an indefinite period of time. The government has reduced the security of tenure that these communities previously enjoyed in

the camps, without providing them with alternatives in terms of housing and or other measures to enable them to support themselves. These families are therefore at risk of becoming homeless again.

In spite of the Council of State ruling, plans to close other authorized and “tolerated” camps have not been scrapped. In Milan, the closure of the authorized Via Novara camp, which started in late 2011, continued throughout 2012, with the remaining families considering the latest offers of alternative accommodation by the authorities.

above: The authorized camp of Tor de' Cenci was set up in Rome in 1995, with facilities and services for approximately 350 people. However, in 2008, the authorities started referring to it as “tolerated” and services and facilities were not kept up.
above right: The Via Novara camp, Milan, was created as an authorized camp in 2001. About 50 families lived there in late 2011, when the municipal authorities decided to close it.



VIA NOVARA, MILAN

Via Novara was created as an authorized camp by the municipality of Milan in 2001 but in 2009 the authorities decided to close it using the 2009 Regulation for authorized camps, which allowed closure of camps without consultation with residents. Although this Regulation has been deemed unlawful, the closure is going ahead. Via Barzagli and Via Triboniano camps in Milan have already been closed in order to make space for infrastructure needed for the world fair EXPO 2015. The Environmental Impact Assessment report of the EXPO 2015 final project contains an explicit mention of the authorized camp of Via Novara. The area where the camp is located has been identified as a space for parking 500 cars.

Municipal representatives told Amnesty International that living conditions in the camp are unacceptable and that the camp must be closed for health and safety reasons. It is clear that living conditions in the camp are

extremely poor, including infestations of rats. This is due, however, to the authorities' failure to adequately maintain the dwellings and infrastructure of the camp, contrary to their obligations to do so. The authorities are closing the camp and only offering temporary housing solutions to the residents. These families risk being left homeless after the time-limited alternatives come to an end.

About 50 families were living there in late 2011, when the municipal authorities started closing the camp without any genuine consultation of residents. Most families accepted the authorities' offer of temporary financial assistance towards alternative housing, and have therefore moved out of the camp or are about to do so. In August 2012, the municipality was reportedly negotiating on alternative accommodation with the five remaining families, who have so far refused to move out.

In Rome the authorities have continued to implement the city's 2009 Nomad Plan, including the closure of the "tolerated" camp of Via Baiardo in July 2012. The camp, which had been recognized in official documents since 1996, was inhabited by about 300 Roma, who were notified reportedly only a few days before their imminent eviction, and were not consulted on alternatives. According to local NGOs, some people were offered long-term alternative accommodation in other camps in the city, others were offered emergency accommodation in shelters for three months.

The authorities' efforts to close the authorized camp of Tor de' Cenci also continued.

The closure of authorized and "tolerated" camps by the authorities, without complying with international standards on evictions, undermines Roma's existing access to housing and security of tenure and is resulting in forced evictions of the residents.

TOR DE' CENCI, ROME

On 31 July 2012 the Mayor of Rome signed an ordinance for the closure of the camp of Tor de' Cenci because of the lack of hygiene and related risks to the health of the inhabitants. A notice was fixed to the gate of the camp informing the residents that the camp was going to be closed by 28 August 2012. The only alternative housing offered to the residents was in the camps of La Barbuta and Castel Romano. This was the latest move of the administration which has sought to close the camp since 2008, without ever providing a compelling justification for it.

The Tor de' Cenci camp was opened by the municipality of Rome in 1995 to house Roma from Bosnia and Macedonia. Container housing units and basic infrastructure were provided to house about 350 people, along with assistance in getting children to school. Many of the children were born in Italy, have attended local schools and have enjoyed some social integration in the neighbourhood.

In 2008, however, the new administration started referring to Tor de' Cenci as a "tolerated" camp and then stated that it needed to be closed – together with all the other "tolerated" camps – as part of Rome's 2009 Nomad Plan. Breaching its obligation to ensure the adequacy of the housing in which it places people, the municipality has neglected the camp in view of its planned closure. Amnesty International has witnessed the progressive deterioration of living conditions there since 2009.

The authorities have failed to engage in a genuine consultation on the reasons for closing the camp or on possible housing alternatives. Discussions with the community were carried out under the continuous threat of an imminent eviction, presented as inevitable and in the absence of adequate information about the alternatives on offer. In 2010, the only alternative housing the authorities offered was

a new camp due to be built under the "Nomad Emergency". In June 2012, when the building of the new La Barbuta camp was finalized near Ciampino airport (see page 12) this was offered to Tor de' Cenci residents. However, residents refused resettlement at La Barbuta, because of its great distance from the city and isolation from services and for concerns about their own security in a camp where they would be mixed with other Romani communities. Many wanted to move into social housing, and some had applied for it, and not in yet another camp.

"I didn't want to go ... I wanted to stay here. Here everything was simple, near to the camp. People knew us ... I said, 'what is it that we are signing? – 'Voluntary'?! ... But the municipality told us that we have to go, one way or another. They told us that they would use force to kick us out of here, and that nobody is going to stay ... We have no choice."

One resident on 25 July, while his family was being transferred to La Barbuta

No written information about the legal basis for closing the camp was provided to the residents over the past three years until the Mayor's ordinance of 31 July 2012. In June 2012, municipal representatives said that there was no plan to issue any official communication on the closure of the camp, unless residents refused to leave.

On 25 and 26 July 2012, local authorities transferred some families – approximately 80 people – to La Barbuta. At least eleven containers and three caravans were demolished. The families were asked to sign a document stating that they agreed to the transfer and that the transfer was voluntary – although in light of the announcement that the Tor de' Cenci camp would be closed and their homes would be demolished, they had no choice in the matter.

A further 120 people moved to La Barbuta at the end of July 2012. By mid-August, some 180 people were left in Tor de' Cenci. Following a request by some of the families on 27 August, the Lazio Administrative Tribunal ruled that the eviction ordered by the Mayor be temporarily suspended and that health and safety conditions in the camp be improved until a final decision is taken by the court.



above: A concert organized inside Tor de' Cenci camp by local NGOs and residents to call on local authorities not to close the camp, 10 July 2012. On 31 July the Mayor of Rome ordered the closure of the camp by 28 August, but a court temporarily suspended the order.
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SEGREGATION

In spite of obligations under international law, including the European Union (EU) Race Directive, the Council of State ruling and the objectives of the National Strategy – to end Roma segregation and promote social inclusion – the municipality of Rome remains determined to pursue, in policy and practice, the ethnic segregation of Roma in housing. Nowhere is the failure to stop the segregation of Roma clearer than in the opening in June 2012 of La Barbuta, a new camp for “nomads” in Rome.

La Barbuta camp is not unique. Other authorized camps Amnesty International visited in Rome in 2012, such as Nomentano, River, Castel Romano, Salone, are fenced; entry, through guarded gates, is restricted to those who have authorization from the authorities or invitation from the residents. Most are monitored by security video cameras. The guards at the entrance of Nomentano, Castel Romano and Salone camps interviewed by Amnesty International were unsure about their powers and what procedures and rules they were supposed to apply. There is currently no regulation applicable for the authorized camps of Rome. Municipal representatives told Amnesty International in June 2012 that a common regulation for all camps is being prepared. In light of the violations experienced by Roma already as a result of the regulations issued under the “Nomad Emergency”, Amnesty International considers it essential that any new regulation complies with international standards on non-discrimination and equality, and on the right to adequate housing as required under international law and EU directives.

The isolated location of the authorized camps of Rome compounds the segregation of their residents, making access to work, schools, childcare and health care services and other facilities time-consuming and unaffordable. In Salone and River camps, several elderly

LA BARBUTA, ROME

On 18 June 2012, La Barbuta (pictured above) opened its gates to Romani families from a nearby camp. Approximately 200 people were transferred there from Tor de’ Cenci between the end of July and the beginning of August 2012.

La Barbuta was built as part of Rome’s 2009 Nomad Plan. Amnesty International criticized the Plan in 2010, because it did not follow legal safeguards required under international law and because it pursued ethnic segregation in housing, providing for the resettlement of thousands of Roma in existing or new “nomad” camps, where only Roma would live. Following the Council of State ruling, it is questionable whether the opening of La Barbuta camp is even lawful.

La Barbuta is sandwiched between railway tracks, Rome’s orbital road and the runway of Ciampino airport. Local NGOs are concerned that air and noise pollution due to the proximity of the airport could put the health and safety of the inhabitants at risk.

The new camp can host up to 880 people in some 160 units – the biggest measuring 40m².

Fences run all around the camp, equipped with video surveillance pointing both outwards and inwards. The closest shops, schools, health care services and neighbourhood are in the town of Ciampino, about 2.5km away. To go anywhere from the camp, residents have to walk along a main road with no pavement.

Local NGOs started legal proceedings to establish the discriminatory nature of the housing provided to Roma at La Barbuta. On 4 August 2012, Rome’s Civil Court accepted their request to stop new transfers to La Barbuta as a precautionary measure, while the case is pending. In making its decision, the Court considered the likelihood of “the discriminatory character of the assignment of housing in the camp called Nuova Barbuta, determining or favouring their isolation and separation from the city and compromising their social dignity”.

Romani people complained that public transport to reach health care services and shops is located so far away that they often give up seeing a doctor or have to ask others to do their shopping, and consequently never leave the camp.

“This place is far away from everything. It is like being in a prison.”

I.M., an elderly resident of River camp

These camps are located near highways or main roads which effectively separate the camps from residential neighbourhoods. In Castel Romano there is not even a bus stop, and walking alongside the road is too dangerous, so there is no way for residents without a car to reach services.

While segregated camps for Roma are by no means exclusive to Rome, the city's Nomad Plan remains a particularly grave example of an openly discriminatory policy. “Nomad” camps are the only housing option for Roma: other housing options, which are non-discriminatory and not ethnically segregated, are not on offer. Although municipal representatives made the point that they are for all “nomads”, the reality is that there are virtually only Roma currently living in authorized camps and the municipality is planning to place only Roma in the new camp of La Barbuta.

The term “nomad” appears neutral and shields the authorities from the accusation of ethnic discrimination, but it reinforces the idea that the presence of Roma is temporary and that these communities are “alien” to the rest of Italian society. If Roma are all deemed indiscriminately to be nomads, policies and decision-making will not address their real needs. The National Strategy acknowledges that only a very small minority of Roma in Italy follows a nomadic lifestyle (an estimated 3 per cent), but local authorities have yet to change their practices.



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UNACCEPTABLE CONDITIONS IN CAMPS

Conditions were particularly poor in the camps of via Nomentano, and Tor de' Cenci, in Rome, visited by Amnesty International in March and June 2012. There was inadequate provision of heating, waste disposal, sanitation facilities, energy for cooking and lighting, means of food storage, and site drainage. Dwellings consisted mostly of caravans and container housing units, often in disrepair and overcrowded. Nothing has improved since the end of the “Nomad Emergency”.

In Nomentano camp, sanitation and washing facilities were completely inadequate, with approximately 200 people sharing eight toilets and eight showers. Four of the showers were broken and at least two toilets had no doors. Hot water was available for only three days a week for three hours – insufficient to meet the needs of all the residents. Women said that long queues form when the hot water is available, but it never lasts enough for everybody. Toilets and showers were poorly lit, making the uneven, dirty and slippery floors dangerous. Provision of energy was



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insufficient throughout the camp, making heating and even following medical treatments difficult.

top: Tor de' Cenci's badly maintained drains often flood raw sewage into the camp, March 2012.

above: Communal toilet without a door in Nomentano camp, Rome, March 2012.



“I have two children with asthma, they need to use an electric nebuliser. The electricity here is not enough. If I put the nebuliser on the electricity goes off and the camp manager gets upset. But what can I do, it’s for my children, the doctor told me to do the treatment.”

A mother in Camp Nomentano, March 2012.

In River and Salone camps, lack of privacy and overcrowding were frequent complaints by the inhabitants. In 2010, the municipality of Rome resettled many Romani families evicted from Casilino 900 and La Martora camps in River, Salone, and Castel Romano, covering all available space with more caravans and prefabricated containers. Salone was built to host 600 people; in August 2012, it contained nearly 1,000.

“In Casilino 900 we had privacy. We have been cheated. The municipality, the mayor and the prefect signed an agreement with us to resettle us from Casilino 900. They promised we would be here for a few months and then we would have a house, education, a job, health assistance. This is a camping site! How can one live one’s whole life in a camping site? I cannot imagine my children here in 10 years’ time. With whom can they integrate? This is a sheep enclosure.”

G.S., a resident of Salone camp, March 2012.

EXCLUSION FROM SOCIAL HOUSING

“We want social housing and we have applied for it. They should give the houses to those who need them the most.”

Madalina, living in Milan since 2003.

Many Romani families, in Milan and Rome, told Amnesty International that they would like to live in social housing. Some have applied for it. However, they appear resigned to the fact that it is extremely difficult for Roma to access it due mainly to the indirectly discriminatory nature of the system.

Social housing in Italy is scarce; Milan and Rome are experiencing severe shortages. Housing is allocated according to a points system. A very high score is assigned to families regarded as especially vulnerable, for example because they have a disabled child or – most frequently – because they have been, or are in the process of being, lawfully evicted from private accommodation. Due to the scarcity of social housing units available, in Milan and Rome there are very few allocations in the absence of proof of eviction from private accommodation.

Roma who have always lived in camps will never be able to prove eviction from private accommodation, no matter how many forced evictions they may have endured, even though they are among the most in need of

social housing. Camps are not regarded as private accommodation and eviction from camps does not follow the same safeguards as eviction from private accommodation. The high points value attached to eviction from private accommodation indirectly discriminates against and disproportionately affects Roma living in camps.

Other requirements can also have the effect of discriminating against Roma, including registered residency. In Milan, it is necessary to have registered residency in the municipality and to have continuously resided or worked in the region of Lombardy for five years before the application. The failure to satisfy these requirements means the application is inadmissible. These requirements are particularly difficult for Roma to meet. In order to register residency, an address is needed, with street name and house number. Romani families most in need of social housing often live in informal settlements with no street number. It is also rare for Roma to be employed regularly due to high levels of discrimination they endure in the job market. Also, they tend to be employed in sectors where irregular work is common.

Amnesty International is concerned that there are many Romani families excluded from accessing social housing because of indirectly discriminatory criteria. Instead of putting discriminatory barriers in the way of Roma trying to access social housing authorities should be taking positive measures to ensure that the groups that face the most disadvantage are prioritised in the provision of social housing.

above: A poster in Pescara in May 2012 sponsored by the Mayor’s People’s Freedom Party (PDL), stating that “The PDL keeps its promises: Roma and criminals out of social housing”.

MADALINA, LIVING IN MILAN

“This government, why does it ask me for five years of residency? They know very well that I was in Milan, but I was living among mice. How could I register my residency?”

Madalina, a 38-year-old woman from a poor region of Romania, moved to Milan with her husband at the beginning of 2003.

They left their children with their grandfather and settled in an informal camp in Via Triboniano. Madalina’s husband worked as a builder, but in 2004 he lost his job and his health deteriorated. They had another child in 2004, in Milan. Between 2005 and 2008, they lived in informal settlements on the outskirts of Milan, and endured some nine forced evictions in this period.

“I used to be a cleaner for some families. I needed to be clean to go to work. I would use lots of deodorant, but living in a shack made it impossible to hide the smell – the smell of the stove would stay on my clothes.”

In 2007, Madalina and her husband brought their older children to Italy. They settled in an informal camp in the Bovisasca area of Milan. The children started school and attended regularly. On 1 April 2008, the camp was forcibly evicted in a manner that left children and adults traumatized. No alternative accommodation was offered to the families. One of Madalina’s children, nine at the time, was severely affected and has suffered from serious psychological problems ever since. The family moved on to the Bacula informal settlement. The children continued to attend school regularly, but on 31 March 2009 the Bacula settlement was forcibly evicted.

After a year in a charity shelter, the family settled in the informal camp of Rubattino (see

front cover picture). They were forcibly evicted from Rubattino on 7 September 2010 and, according to a local NGO, endured 15 forced evictions in the following six months. They often lost their possessions, including the children’s school materials. The entire family’s health was severely affected. Yet, the children continued to attend school regularly.

Since March 2011, Madalina and her family have been living in temporary accommodation provided by a religious community on the outskirts of Milan, which gives them some stability. They have registered their residency – a key requirement for applying for social benefits and social housing. However, this one-room basement is unsuitable long-term accommodation for a large family. The hospitality to Madalina and her family has been extended to avoid their return to the streets, but it will shortly come to an end.

“My children have a right to a home. So they will have a different life, a future, and a good character. All mums have dreams for their children. The more they grow, the more dreams I have.”

In January 2012, Madalina applied for social housing in Milan, both through the ordinary system for social housing and through the extraordinary system, whereby certain conditions of vulnerability will give applicants priority above the ordinary list. Her request for “extraordinary assignation” of social housing was based on the serious damage to the family’s physical and mental health, especially the children, as a result of living on the streets of Milan for many years.

Both applications were dismissed by the Central Department on Housing of the Municipality of Milan in April 2012, because of lack of proof of residence for five consecutive years in Lombardy. Madalina provided numerous documents showing her regular presence in Milan since 2003, including the birth certificate of her youngest child in 2004. What she could not provide was proof of registered residency for five years. Madalina appealed in May 2012 but the appeal was rejected. Because her application was deemed inadmissible, it was not even submitted to the special commission in charge of assessing applications of an urgent nature. Madalina has applied for legal aid, to appeal against the rejection before the administrative tribunal.



left: Local NGOs and residents of Tor de' Cenci camp protest against its closure, 10 July 2012.

CHANGE IS NEEDED NOW

The Italian authorities at national and local level are systematically and continually failing to respect, protect and fulfil the right to adequate housing of one of Italy's most marginalized communities. Amnesty International recommends that the European Commission start an infringement procedure under the Race Equality Directive (2000/43/EC) for Italy's discriminatory treatment of the Roma in relation to their right to adequate housing (Index: EUR 30/011/2012).

Amnesty International urges the Italian Government to:

- Implement the Council of State ruling of November 2011; provide an effective remedy and adequate reparation for all victims of violations of rights occurred as a result of the "Nomad Emergency"; and withdraw the appeal before the Court of Cassation.
- Implement the February 2012 National Strategy for the Inclusion of Roma within a concrete timeframe, with adequate funding for the relevant government offices.
- Take all necessary steps to ensure that forced evictions immediately cease throughout

Italy, including by: enacting and enforcing a clear prohibition on forced eviction through legislation setting out essential safeguards based on the UN Basic principles and guidelines on development-based evictions and displacement and international human rights law; issuing guidelines to local authorities which recognizes that evictions should always be carried out as a last resort after all feasible alternatives have been explored and with the safeguards required; and establishing an effective independent mechanism to monitor evictions and ensure that obligations are respected by local authorities and other actors.

- Take concrete measures to desegregate authorized camps, including by ensuring that: they are used in a non-discriminatory manner, and do not result in racial segregation of Romani communities; forthcoming regulations for authorized camps are not discriminatory and consistent with the protection of human rights; and that living and housing conditions are urgently improved, in consultation with the residents, and comply with international and regional standards.
- Ensure that plans for the closure of camps strictly comply with international

standards and do not lead to a reduction in access to housing and security of tenure of Romani communities.

- Initiate a process of genuine consultation with remaining residents of Tor de' Cenci to explore adequate alternative housing, including the upgrading of dwellings and infrastructure in the camp.
- Carry out a health and safety assessment for the residents of La Barbuta camp in Rome on the risks due to the camp's proximity to Ciampino airport and take the necessary actions to protect the health and safety of the residents.
- Review and amend national housing legislation, policies and practices to: remove discriminatory obstacles for Roma and other marginalized groups to access social housing; ensure that they comply with Italy's obligations under the EU Race Directive which requires that there is no discrimination in the provision of housing and related services; and ensure that those in need of it are provided with assistance and support to apply for social housing.

HOUSING IS A
HUMAN RIGHT
AMNESTY
INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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