

PUBLIC

AI Index: EUR 30/002/2009

UA 73/09

Forced eviction

13 March 2009

ITALY

About 150 Roma people

Milan authorities are preparing to forcibly evict a community of about 150 Roma people living under an overpass in the north of the city. According to local newspapers, they have announced that they will carry out the evictions at some point between 13 and 30 March.

Under domestic law, relevant authorities would have had to notify each individual, or publish in the ways provided for by law an order or notice, but, according to the information available to Amnesty International, they have not done so. Because the order has not been formalised in this way, the community cannot challenge it through the courts and stop or postpone the eviction.

There has been no consultation with the community on the proposed evictions, nor any attempt to identify with them any feasible alternatives to the evictions. It appears that the authorities have not prepared any plan for adequate alternative housing or discussed it with individuals likely to be affected. The municipality's practice in previous occasions has been to offer some form of shelter in the short term (weeks or a few months), and only to women and small children, in the city's dormitories for homeless people. In some cases it appears that not even this offer was made. At present the community is living in tents and makeshift shelters under the Bacula overpass, with no running water, sewerage or electricity. Without alternative accommodation, the families face having to move to another makeshift camp or risk homelessness.

Most of the Roma people living in the Bacula camp have previously experienced at least one forced eviction. Approximately 110 of them are believed to have been forcibly evicted, in April 2008, from another unauthorized camp in the city, in via Bovisasca. Of these 110, at least 100 had apparently also been forcibly evicted, in October 2007, from the same Bacula camp where they are living now. Several of the previous forced evictions involved the destruction of property, including shelters, clothes, mattresses, and, in some instances, medicines and documents. All these evictions are believed to have been carried out without the procedural safeguards required under regional and international human rights standards, including adequate and reasonable prior notice, an opportunity for genuine consultation, provision of legal remedies including legal aid if needed, adequate alternative housing and compensation for all losses. Italy is also under an obligation to ensure that evictions must not render individuals homeless or vulnerable to the violation of other human rights.

At least 35 of those at risk of eviction are below the age of 18, and 15 of these are under five. Ten children attend schools near the Bacula camp, despite their very difficult living conditions; the eviction threatens to interrupt their schooling and seriously disrupt their education.

If the Bacula community are forcibly evicted, they face the risk of living in conditions considerably worse than those they are living in now, which are already extremely difficult; without basic shelter they would be living outdoors including in harsh weather conditions. The disruption would make it difficult for the adults, at least 14 of whom are believed to be in regular employment, to attend their places of work.

Under international law forced evictions - which are evictions carried out without appropriate procedural guarantees, including the possibility of judicial redress and without assurances of adequate alternative housing - are a gross violation of a range of human rights including the right to adequate housing. Evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and

only when all appropriate procedural protections, in accordance with international and regional human rights standards, are in place. Italy has come under severe criticism from international and regional human rights bodies, including the European Committee on Social Rights, which found Italy in violation of the European Social Charter. Italy has however failed to implement these recommendations and has on the contrary continued and in some cases escalated forced evictions of Roma communities.

BACKGROUND INFORMATION

For at least the last 10 years, numerous forced evictions of Roma communities have been carried out in Italy. Forced evictions became more frequent after special agreements (*Patti per la Sicurezza*) were signed by the national government and local authorities, including those of Milan, on 18 May 2007. With these special agreements some powers were transferred from within the Ministry of Interior's remit to the local authorities, with the aim of addressing perceived security threats, including those supposedly posed by the presence of Roma communities in these cities. In May 2008 a Decree by the President of the Council of Ministers (DCPM 21 May 2008) conferred emergency powers to the *Prefetti* (who are permanent representatives of the national government in the territory) for one year, in order to solve the "nomad emergency," while using a law of 1992 enacted to provide for emergency powers in case of natural disasters. This decree gave the *Prefetti* powers to derogate from a number of laws, including those which confer rights to all people in regard to the powers of the authorities. The power can be exercised against people of any nationality who are deemed to be "nomads". They appear to disproportionately affect Roma people.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Italian, English or your own language:

- urging the authorities not to forcibly evict the Roma families now living under the Bacula overpass;
- reminding the authorities that forced evictions, carried out without legal and other protections, are prohibited under international law as a gross violation of a range of human rights; in particular, the right to adequate housing;
- urging the authorities to ensure that evictions are carried out only as last resort, and only in full compliance with the guarantees required under regional and international human rights standards, including through genuine consultation with residents of the areas affected and to explore feasible alternatives; providing to them adequate and reasonable prior notification; guaranteeing the right to legal redress, including to challenge the order in court and legal aid; providing adequate alternative housing and compensation for all losses; and ensuring no ill-treatment of Roma.

APPEALS TO:

Milan Prefetto:

Dott. Valerio Lombardi, Prefetto di Milano, Palazzo Diotti - Corso Monforte, 31 - 20122 Milano, ITALY

Fax: +39 02775 84170 **Salutation:** Egregio sig. Prefetto

Mayor of Milan:

Sindaco Letizia Moratti, Comue di Milano, Palazzo Marino, Piazza della Scala 2, 20121 Milano, ITALY

Salutation: Egregio Sindaco

Deputy Mayor:

ViceSindaco Riccardo De Corato, Piazza Scala, 2 – 20121, Milano, Italy

Fax: +3902884 50059 **Email:** vicesindaco.decorato@comune.milano.it.

Salutation: Egregio Vicesindaco

Milan Municipality's Concillor in charge of social policy:

Assessore Politiche Sociali Mariolina Moioli, Largo Treves, 1 – 20121

Fax: +3902884 53391 **Email:** assessore.moioli@comune.milano.it **Salutation:** Egregio Assessore

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 April 2009.