

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 the human rights of migrants; the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

REFERENCE:
AL ITA 3/2019

3 May 2019

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 the human rights of migrants; Special Rapporteur on minority issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 34/9, 34/21, 34/6 and 34/35.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **hate-motivated violent demonstrations, that took place between 2 and 5 April, which targeted 75 Roma being moved to a temporary reception facility centre in Torre Maura, as well as an increase in hate speech and forced evictions against the Roma minority.**

We regret that we have yet to receive a reply to a previous communication that was transmitted to your Excellency's Government on a related pattern of intolerance, racial hatred and xenophobia in Italy (ITA 4/2018).

According to the information received:

On 2 April 2019, 75 Roma, including 33 minors, were transferred from the Toraldo Facility Centre in Torre Angela to a new reception centre in Via dei Codirossoni in Torre Maura. "Casapound" militants, allegedly learned of the transfer. The militants, in collaboration with "Forza Nuova" militants, purportedly mobilized local inhabitants to form a demonstration.

The demonstration quickly turned violent with the burning of a car and three bins. The demonstrators seized, and subsequently threw onto the street as well as trampled meals allocated for the Roma to be housed in the Via dei Codirossoni centre. The police forces, although present, allegedly did not take any action against the demonstrators.

The demonstration, varying in size, reportedly carried on until 5 April, with a maintained presence throughout the nights. During the three days of demonstrations, the Roma, who are mainly non-Italian citizens, remained confined within the Via dei Codirossoni centre. Furthermore, the demonstrations were reportedly marked by repeated xenophobic and racist slogans. Screams

calling for the Roma to be burnt alive (*“Bruciateli vivi”*) and to die of hunger (*“Devono morire di fame”*) were reported.

In response to the demonstrations, 18 Roma were transferred on 3 April and another 57 were moved on 5 April. As a result of the transfer to other centres, some families have been separated and 15 Roma are homeless. In addition, the Public Prosecutor’s Office has opened an investigation regarding the violent demonstrations.

These violent demonstrations have taken place against a backdrop of a significant rise in the number of recorded incidents of hate crime and incitement to hatred and discrimination against individuals based on ethnicity, race, religion, colour, descent, or national origin. There has specifically been a reported increase in hate speech and in forced evictions targeting the Roma minority.

Of note, on 3 April, Matteo Salvini, Minister of the Interior, was quoted as saying:

“Chi si vuole integrare si integra [...], chi non si vuole integrare fa una scelta, sono stufo di sprecare i soldi degli italiani per mantenere migliaia di rom che non fanno nulla dalla mattina alla sera se va bene, o che rubano se va male.” (“Those who wish to integrate they integrate, those who do not wish to integrate make a choice, I am fed up of wasting the money of Italians to maintain thousands of Roma who do not do anything from morning to night in the best case, or who steal in the worst case.”)

In 2018, there were reportedly 195 forced evictions from informal settlements across Italy. Most of these evictions were allegedly undertaken with an absence of consultation of the persons to be evicted and with no alternative housing provided. In the case where alternative housing options were offered, the Municipality of Rome had reportedly practiced family separation, with mothers and their children having access to the housing while their husbands and their children over 18 were left to fend for themselves.

While we do not wish to prejudge the accuracy of the information made available to us, we express our serious concern about the hate-motivated violent demonstrations taking place in Torre Maura, between 2 and 5 April, and the adequacy of the response of the police to anticipate and address violent, racist and hateful acts and to effectively protect the 75 Roma. We are specifically alarmed by the violent and racist activities of far-right political organizations, that seem to be able to undertake such actions in complete impunity.

Moreover, we express our grave alarm at the escalation and normalization of racist hate speech, incitement to hatred and discrimination in the Italian political and public sphere, including by high-ranking political leaders and officials. It is of particular concern that such rhetoric is expressed by political leaders and representatives of the

State, such as the Minister of the Interior, who bear a particular responsibility to respect, protect and promote human rights. The use and spreading of racist stereotypes exacerbate pre-existing deeply entrenched perceptions and misconceptions about minorities in situations of vulnerability and contribute to the incitement to hatred and ultimately violence against them.

We also express serious concern regarding the reported practice of family separation of the Municipality of Rome, which has led in this case to several Roma out of the 75 concerned individuals to lose access to reception centres and being left in street situations.

Furthermore, we express our disquiet regarding the practice of forced evictions, a gross violation of human rights undertaken with little to no consultation of the concerned Roma communities and with inadequate alternative housing options provided. We further note that forced evictions into homelessness are a violation of the right to housing.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information you may have on the abovementioned allegations.
2. Please provide information about the status of the investigation launched by the Public Prosecutor's Office, including with regard to the identification and prosecution of perpetrators of racially-motivated hateful acts against the Roma between the 2 and 5 of April.
3. Please provide updated information about the relocation of the Roma from the Via dei Codirossoni centre and their current living conditions, including their ability to access services, such as adequate housing, education and healthcare.
4. Please indicate whether there have been any internal inquiries with regard to the response of the police to the incidents of hatred and violent attacks against the members of the Roma minority.
5. Please provide information on the measures taken to address incitement to hatred, discrimination and violence against Roma and other minorities and marginalized groups within Italian society. Please provide detailed information about measures in place to combat and eliminate all forms of

racism, racial discrimination and xenophobia especially against minorities including Roma.

6. Please provide information on cases of sanctions taken against those who have been found responsible for inciting ethnic and racial hatred publicly, in particular those who hold public office, as per the existing legislative framework in Italy. In addition, kindly provide information on remedies provided to victims of hate speech.
7. Please provide information on hate crime statistics in Italy disaggregated by type of offense and motive. Please also provide detailed data on prosecution rate and outcomes of such prosecution. Please indicate the nature of sanctions available and typically imposed on perpetrators of hate-motivated acts against any persons belonging to national or ethnic minorities, such as Roma.
8. Please provide information on the measures taken to provide adequate housing solutions both on a short and long-term basis, and in particular following evictions and/or planned relocations. Please indicate how Roma communities are specifically consulted in such cases.
9. Please indicate how the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities is being implemented, specifically in respect to housing.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We call to the attention of your Excellency's Government the international standards regarding the protection of minorities, in particular article 27 of the International Covenant on Civil and Political Rights (hereafter ICCPR), ratified by Italy in 1978. Article 27 of the Covenant states that: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". Article 26 of ICCPR also prohibits any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds, including race, language, religion, national or social origin, property, birth or other status.

The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities, adopted by the UN General Assembly, requires under article 1.1 that States "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within its respective territories and shall encourage conditions for the promotion of that identity". Article 2.1 establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination. Article 4.1 establishes that "States will 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". States are required, according to article 4.2, to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, and article 4.3 requires States to take appropriate measures so that they may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

Furthermore, we would like to bring to the attention of your Excellency's Government provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter ICERD), ratified by Italy in 1976. Article 2(1) demands that States Parties prohibit and eliminate any act or practice of racial discrimination against persons and/or groups based on race, colour, descent, or national or ethnic origin. To this end, States must ensure that public authorities and institutions on the national and local level act in compliance with this obligation.

ICERD in Article 4 calls on State Parties to condemn all propaganda and all organizations grounded on ideas or theories of superiority based on race, national origin, colour or ethnicity; or which attempt to justify or promote racial hatred and

discrimination in any form. The Committee on the Elimination of all forms of Racial Discrimination in General Recommendation 35, recommends that the States parties declare and effectively sanction as offences punishable by law:

(a) all dissemination of ideas based on racial or ethnic superiority or hatred, by whatever means; (b) incitement to hatred, contempt or discrimination against members of a group on grounds of their race, colour, descent, or national or ethnic origin; (c) threats or incitement to violence against persons or groups on the above listed grounds; (d) expression of insults, ridicule or slander of persons or groups or justification of hatred, contempt or discrimination on the grounds listed above, when it clearly amounts to incitement to hatred or discrimination; (e) participation in organizations and activities which promote and incite racial discrimination.

The Committee also draws attention to the role of politicians and other public opinion-formers and encourages such persons to adopt positive approaches directed to the promotion of intercultural understanding and harmony.

In addition, Article 5 (b) of ICERD guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

Furthermore, while recalling the special importance of freedom of speech in political matters we would like to note that the exercise of freedom of expression and opinion carries with it special duties and responsibilities. In this regard, we would like to refer to the opinion expressed by the CERD Committee in its General Recommendation No. 15 on article 4 of the Convention (1993) that “the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression. [...] The citizen’s exercise of this right carries special duties and responsibilities, specified in article 29, paragraph 2, of the Universal Declaration of Human Rights, among which the obligation not to disseminate racist ideas is of particular importance”

While freedom of opinion and expression is protected under article 19 of the International Covenant on Civil and Political Rights (ICCPR), article 20(2) of the ICCPR, requires States to prohibit “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”. Article 20(2) must be read in conjunction with the conditions for restrictions to the exercise of freedom of expression set out in article 19(3) of the ICCPR.

In her report to the General Assembly (A/73/305) in 2018, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance analyses the threat posed by nationalist populism to the fundamental human rights principles of non-discrimination and equality. She particularly condemns nationalist populism that advances exclusionary or repressive practices and policies that harm individuals or groups, inter alia, on the basis of their race, ethnicity, national origin

and religion, or migratory status. She particularly expresses concern at the recent increase of hate crimes in Italy (para. 18) as well as the climate of intolerance perpetrated by high level authorities through racist rhetoric (para. 20). She notes that “public officials are reluctant to acknowledge the prevalence of racism, discrimination and related intolerance, and this state of denial itself can prevent action to combat discrimination and intolerance.” She also highlights that “Nationalist populism shapes the climate of national discourse and can convert public political platforms into vehicles for spreading prejudice and intolerance and even inciting discrimination and violence. For this reason, Member States, and even private actors, such as the technology companies that often directly interface with racist and xenophobic content online, must remain vigilant in their identification of racist expression in national climates in which certain groups are openly committed to spreading and enforcing intolerance” (para. 53). She recommends that “condemnation of racist and xenophobic nationalist populism must be swift and unequivocal. Political parties and their leadership also have a role to play here, given their significant influence on the political climate, as do multilateral agencies and regional bodies” (para. 60).

In its review of Italy in 2016, the Committee on the Elimination of all forms of Racial Discrimination (CERD/C/ITA/CO/19-20) already expressed concern at “the prevalence of racist discourse, stigmatization and negative stereotypes in political debates, which are directed against migrants, Muslims, people of African descent and Roma, Sinti and Camminanti communities and which are also perpetrated by the media”. The Committee further expressed deep concern at the reports of racially motivated violence and crimes and the lack of an effective response to such acts from the State (para.16). The Committee recommended that Italy investigates, prosecutes and punishes all such racist crimes; collect disaggregated data; adopt concrete measures; and strengthen the law to combat such heinous crimes (para.17). The Committee recommended that the State party especially “(a) ensure that all individuals, including politicians at all levels, are held accountable and are sanctioned for the dissemination of ideas based on racial superiority or hatred and other violations of article 4 of the Convention, [...] (b) Ensure that victims of racist hate speech are provided with effective remedies; [...] (d) Condemn unequivocally at the highest political level the dissemination of hate speech and hateful ideas and engage in promoting a culture of tolerance and respect; [...]” (para. 14 and 15).

The Committee on Civil and Political rights in its latest review of Italy in 2017 (CCPR/C/ITA/CO/6) also expressed concerns about “reports of persistent stigmatization, stereotyping, and racist discourse against Roma, Sinti and Camminanti communities and non-citizens, exacerbated by the media and public officials at the local level. It is also concerned that the aggravating circumstances in Law No. 205/1993 (Mancino Law) on hate crimes are applied only when a racist motive appears to be the sole motivation but not when there are mixed motives.” (para. 12) The Committee recommended that “the State party: (a) strengthen its efforts to eradicate stigmatization, stereotyping and racist discourse against Roma, Sinti and Camminanti communities and non-citizens, including by conducting awareness-raising campaigns to promote tolerance and respect for diversity; (b) review Law No. 205/1993 with a view to giving effect to aggravating

circumstances to all hate crimes; and (c) ensure that all cases of racially motivated violence are systematically investigated, that perpetrators are prosecuted and punished and that appropriate compensation is awarded to the victims.” (para. 13).

We also recall that the Committee on the Elimination of Racial Discrimination, in its General Recommendation XXVII on discrimination against Roma, urges States to provide effective remedies to members of Roma communities and to ensure that justice is fully and promptly done in cases concerning violations of their rights (para.7). In particular, the Committee calls upon States to prevent racially motivated violence against Roma as well as the illegal use of force by the police against them; to ensure prompt action by the police, prosecutors and the judiciary to investigate such acts; and to ensure that perpetrators are punished (paras. 12-13).

In relation to the prevention aspect mentioned above, we would like to recall that “The State also carries a responsibility to address “attitudes or conditions within society which encourage or facilitate” violence or killings committed by non-State actors (see E/CN.4/2005/7, para. 71).

Lastly, the right of everyone to an adequate standard of living, including housing, is protected under international law and is enshrined in article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights. These articles must be read in conjunction with Article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind, as well as article 17 of the International Covenant on Civil and Political Rights and article 16 of the International Convention on the Rights of the Child, which provide for the protection against unlawful interference or attacks against one’s home. In addition, Article 5 of the International Convention on the Elimination of Racial Discrimination provides for the State’s obligation to ensure equality before the law, including with regard to the enjoyment of the right to housing (Article 5 d) iii) and the right to own a property alone as well as in association with others (Article 5 d) v).

In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights has stated that the right to housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of “merely having a roof over one’s head”, but it should rather be seen as the right to live somewhere in security, peace and dignity. The Committee has also underscored the State’s obligation to ensure security of tenure and legal protection against forced eviction, harassment and other threats, “notwithstanding the type of tenure”, including (as the Committee has stated) “owner-occupation, emergency housing and informal settlements, including occupation of land or property” (paragraphs 7 and 8). In its General Comment No.7, the Committee concluded that forced evictions are “prima facie incompatible with the requirements of the Covenant” and are performed “against the will of individuals families and/or communities” and “without the provision of, and access to, appropriate forms of legal or other protection” (General Comment No. 7, paragraphs 1 and 3). Finally, the Committee stated that “evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights” (paragraph 16).