

Dear Special Rapporteur,

I write this contribution to inform you about the Italian government's failure to act in good faith in upholding its obligations under the Covenant on Economic Social and Cultural Rights, the Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities in evicting vulnerable residents without providing adequate housing alternatives, leaving them homeless and facing irreparable harm, as alleged in multiple individual communications submitted to the respective committees since 2021.

The tenants in question are already in very precarious situations, often migrants who have been subject to structural discrimination, with low-skilled jobs, who do not have a good grasp of Italian, who do not have enough money for legal representation, who have been affected by changes in Italian law making it almost impossible to appeal evictions and who are often already living in sub-par housing, often families with multiple dependants with special needs and who have been further impoverished by the Covid-19 pandemic and ensuing economic crisis, which has hit Italy especially hard.

The central issue is the failure of the Italian government to provide adequate housing alternatives to those being evicted. These individuals are unable to make rent payments, often to powerful landlords, who will not accept payment plans, and there is no provision for the courts to examine the irreparable harm caused by the eviction.

I am a researcher in urban anthropology with a background in housing activism, and I have acted on behalf of many of these tenants myself, as well as having contributed to disseminating information and tools to empower others to submit individual communications challenging these evictions, thanks to the international contacts I have developed in Barcelona, where the anti-eviction movement has frequently turned to Treaty Bodies to suspend evictions of vulnerable tenants. I have co-created a new anti-eviction network in Rome, which has used the tool extensively, in the absence of decent housing alternatives and the inaction of local authorities.

The first claimants for whom I acted as a representative in 2021 had their interim measures requests accepted by the Courts, as, at that time, these international procedures were taken at face value, in good faith. This allowed many vulnerable tenants to gain relief, at least in the short term.

These cases are fully documented in an article I co-wrote in English for the Italian journal 'Partecipazione e Conflitto', and that can be found at this link: <http://siba-ese.unisalento.it/index.php/paco/article/view/26873/22221>.

Since May 25th 2022, however, a Judge, who had listed a hearing to confirm the interim measures request from CESCR to suspend the eviction of an 87-year old woman, requested input from the Presidency of the Council of Ministries. The Presidency provided a written submission for the hearing, in which it requested the Court to resume the eviction, on the basis that, as it claimed: interim measures requested by Treaty Bodies are non-binding and should be considered as mere recommendations; that it should be the executive, and not the judiciary, that is obliged to implement such measures; and that the eviction is in line with the Constitution's guarantees of the right to property. These claims purposely undermined the clear obligation of each State party to a human rights instrument to comply in good faith with the obligations therein, which is clearly stated in the Italian Constitution, and in line with the Vienna Convention on the Law of Treaties. These obligations of course include the ICESCR, and the Optional Protocol on individual communications, under which interim measures are granted to render any final decision of the Committee on the communication meaningful and effective.

On receiving this argument the Judge in question rejected the interim measures request and ordered the eviction executable. The victim, who had been paying rent regularly in the social housing apartment where she had been living for the preceding 30 years, had suffered a series of events (the death of two sons, the loss of a job...) which had impaired her capacity to maintain her rent payments. Moreover, the flat had been acquired by a private housing company, despite regulations forbidding the sale of social housing on the private market. The company is currently under investigation for fraud, but nonetheless the intervention of the Council of Ministries resulted in the resumption of eviction proceedings, and the woman risks being evicted without any alternative and therefore will be forced to live on the streets. This is likely to happen well before any fraud trial invalidates the legal ownership of the flat by the company.

This is just one of the many dramatic stories concerning evictions to which CESCR's interim measures have brought relief. After the Presidency's intervention, two evictions in breach of interim measures have already been carried out: one of a migrant family with three minor children, another was of a family of two with a small child. In both cases the sole salary was lost with the pandemic causing the closure of a restaurant and other commercial activities, social services not having provided any viable housing alternatives. The Italian government's determined refusal to implement requests for interim measures has been reported to CESCR. Other tenants that were previously granted interim measures are similarly undergoing a renewed eviction procedure, and this is undermining the well-being of the victims as well as the credibility and effectiveness of this crucial tool in upholding international human rights.

Please note that every time that a request for interim measures is forwarded by CESCR to the Italian government, a specific body is entrusted to respond. This body in Italy is CIDU, the Interministerial Committee on Human Rights, which is mandated by the Ministry of Exterior Affairs. Italy has been told multiple times to set up a NHRI in the last decades, and CIDU is the body entrusted to set in motion the process to create it. It has not fulfilled that mandate and is now systematically dismissing all requests for interim measures with a standard letter, quoting irrelevant facts and wilfully missing the point of the issues presented. It had requested to the City Council

to meet the authors of the communications; however, it unfortunately transpired that these meetings were requested in order to gain information to be used in support of arguments by the CIDU to dismiss the communications. Some of the communications had in any case been dismissed before the City Council had contacted the authors. It has on multiple occasions refused to meet civil society organizations and other authors of CESCR communications, even informally stating that they 'don't talk with people that write to CESCR'.

It is abundantly clear from so many cases that the Italian government is not and has no intention of acting in good faith in implementing the rights under CESCR and other international human rights treaties, which it has ratified. The defense of human rights during dire housing crises and resulting evictions, such as followed the pandemic lockdowns and the end of eviction moratoria, should be taken very seriously, all the more so considering the EU Parliament's resolution on affordable housing, issued in January 2021. On the contrary, the Italian government is removing subsidies, limiting public provision of housing, and even denying emergency shelter, leaving people in a state of abject poverty, homelessness and desolation.

I implore you, as the Special Rapporteur on Housing, to urgently intervene in this deteriorating situation to address the immediate need for the Italian government to implement corrective measures to respect and meet the obligations it has undertaken. The housing crisis in Italy, if not managed with a clear and immediate commitment to uphold human rights responsibilities, is likely to lead to an even greater number of vulnerable people in society, with greater costs at the economic and social levels and a further undermining of the dignity and integrity of hard working vulnerable families and the Rule of Law itself. Housing is a precondition for the fulfillment of a variety of other rights

I thank you for the opportunity to provide this input and stand ready to provide further details or information on any of the issues outlined above..

Yours truly,

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