



July 6, 2022

**Dr. Emanuela Liverani,
Judge of the 3rd Civil Section
Court of Rome
Present**

Distinguished Dr. Emanuela Liverani:

We, the undersigned organizations specialized in the promotion and protection of economic, social, and cultural rights, including the right to adequate housing, are writing to you regarding the case of Ms. Rosanna Letizi, a woman threatened with eviction by Italian authorities. Her case is under examination by the United Nations Committee on Economic, Social and Cultural Rights (CESCR, application number 256/2022), which is the supervisory body of the International Covenant on Economic, Social and Cultural Rights, of which Italy is a State party since September 17, 1978.

The competency of the CESCR to receive and consider communications is established by the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), to which Italy is a party since February 20, 2015. We understand that by ratifying these international treaties, the Italian State accepted the legal obligation to respect, protect, and fulfil the rights recognized therein, and to enable procedures established under these treaties to work in an agile and effective way. Moreover, according to the Vienna Convention on the Law of Treaties (VCLT), which are considered to be the customary international law principles of treaty interpretation (see, for example, European Court of Human Rights, *Golder v. the United Kingdom*, Application No. 4451/70, Judgement of 21 February 1975, para. 29), treaties “shall be interpreted in good faith” (art. 31(1) VCLT) and States are bound by what they have agreed to observe as is reflected in the ordinary meaning of the terms of the treaty (art. 26 VCLT) .

The OP-ICESCR recognizes the competence of the CESCR to receive and examine individual communications (arts. 1 and 2 OP-ICESCR), as well as to request interim measures from States after having received a communication, before ruling on the merits of the case, with the purpose of avoiding irreparable damage to economic, social, and cultural rights (art. 5 OP-ICESCR).

We follow the housing situation in Italy with great attention and have noted with satisfaction the various judicial procedures through which provisional measures requested by the CESCR have been implemented on at least 14 occasions during the last year (e.g. communications



registered under numbers 216/2021, 222/2021, 223/2021, 226/2021, 227/2021, 230/2021, 235/2021, 246/2021, 247/2021, 264/2022, 240/2022, 271/2022, 274/2022, 275/2022).

In this context, we have learned that the CESCER addressed a request for provisional measures to the Italian State to suspend the eviction of Ms. Rosanna Letizi and thus avoid irreparable damage to her right to housing, pending the resolution of the merits of the case under treatment by this international supervisory body (provisional measures as G/SO CESCER ITA (16) MT/MS/ma 256/2022). We understand that this resolution has caused the authorities to suspend the eviction and that in the next few days the 3rd Civil Section of the Court of Rome will issue a resolution in this regard.

We have also learned that the Presidency of the Council of Ministers has requested the Court of your honor to withdraw the suspension of the eviction in the case of Ms. Letizi, through a comparison to the hearing in May 25th, 2022, registered as CT 16061/2022. We note with concern that the suspension of the provisional measure in this case will cause irreparable damage to Ms Letizi who is in a vulnerable situation and will compromise Italy's compliance with its international human rights obligations.

From the information available to us, it appears that the request for eviction, comes from the owner of the house where Ms Letizi lives: Immobiliare Castel Giubileo. This is a cooperative company that has benefited from public subsidies for the construction of buildings to guarantee the right to housing of people with limited resources, such as Ms. Letizi. Therefore, there are strong arguments to consider that the suspension of the eviction in this case would not in any way violate either the right to property or the right to housing of any individual. On the contrary, we believe that the company will be able to resume lawful use of the property immediately after the CESCER lifts the provisional measures or the local authorities offer Mrs. Letizi adequate housing. In fact, there is evidence in which the Italian regional authorities on several occasions have offered public housing to persons benefiting from provisional measures (see for example, CESCER case 264/2022 of April 5, 2022, and case 275/2022 of May 13, 2022). In both cases the petitioners have benefited from the efforts of the public housing institutions of the Lazio and Veneto regions.

We strongly believe that resuming the eviction procedure against Ms. Letizi could represent a violation of her right to adequate housing. Moreover, it would be a worrying precedent. On the one hand, it could invalidate the authority of a human rights supervisory body which competences have been established by international treaties ratified by Italy. Furthermore, it would undermine the overall human rights protection mechanisms under which Italy has sovereignly recognized the competence to process individual communications and issue requests for provisional measures to avoid irreparable damage while a case is pending.



According to international law, when States ratify a treaty, they are obliged to comply with its provisions in good faith (Article 14 and Article 26, Vienna Convention on the Law of Treaties). An interpretation that restricts the effectiveness of a procedure established to avoid irreparable damage, would not only violate the OP-ICESCR but also the ICESCR. This is the interpretation that several jurisdictions around the world have held. We are pleased to share with you examples from Spain, Portugal and Mexico, where authorities at different levels have ruled in favor of respecting the human rights enshrined in international treaties and have taken interpretation to ensure the effectiveness of the decision of international supervisory bodies.

In this regard, we would like to attach relevant precedents in which it is possible to observe good faith interpretations of the international obligations of the States. One of them refers to the suspension of the eviction of people from a house issued by a court in Catalonia, Spain, in compliance with the provisional measures requested by the UN CESCR. The second is a document from the Ministry of Foreign Affairs of Portugal, which describes the implementation of measures by various authorities to suspend the eviction of two people to avoid irreparable damage, in a case brought to the attention of the CESCR. Finally, a case in Mexico, which although not related to adequate housing, addresses the mandatory nature of protective measures issued by UN treaty monitoring bodies. In this regard, we attach a decision of the Mexican Supreme Court of Justice of the Nation that recognizes the mandatory nature of the urgent actions dictated by the UN Committee on Enforced Disappearances established by the Convention against Enforced Disappearances.

Distinguished Judge Liverani, we trust that your court will resolve Ms. Letizi's case in a fair manner to avoid irreparable harm to her right to adequate housing, while ensuring that authorities honor Italy's international commitments, including the effectiveness of the urgent actions of the UN Committee on Economic, Social and Cultural Rights.

Cordially yours,

Leilani Farha
Global Director
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[The Shift](#) is an international human rights organization focused on securing the human right to housing for all. The Shift is led by Leilani Farha, the UN Special Rapporteur on the right to housing, in partnership with United Cities Local Government and the Office of the High Commissioner for Human Rights. The Shift team includes lawyers, campaigners, filmmakers, community advocates, journalists, and researchers.

The [Global Initiative for Economic, Social and Cultural Rights \(GI-ESCR\)](#) is an international non-governmental human rights advocacy organization. Together with partners around the world, GI-ESCR works to end social, economic and gender injustice using a human rights approach.