

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 rights of persons with disabilities; the Special Rapporteur on the independence of judges and lawyers; the Independent Expert on the enjoyment of all human rights by older persons and the Special Rapporteur on extreme poverty and human rights

Ref.: AL ITA 2/2025

(Please use this reference in your reply)

27 February 2025

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 rights of persons with disabilities; Special Rapporteur on the independence of judges and lawyers; Independent Expert on the enjoyment of all human rights by older persons and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 52/10, 53/14, 53/12, 51/4 and 53/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning a **decision of the Council of Ministers dated 25 May 2022, instructing the judiciary to dismiss, as non-binding, interim measures issued by the Committee on Economic, Social and Cultural Rights (CESCR) requesting to suspend evictions against individuals who filed individual complaints under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). Reportedly, in at least six eviction cases, such interim measures were disregarded by Italian courts as a result of this instruction, resulting in the execution of forced eviction against various individuals in vulnerable situations, including older persons, children and persons with disabilities. With the exception of one pending case, these forced evictions were reportedly carried out without due consideration of the affected persons' right to adequate housing, without engaging in genuine consultations with the affected persons, and without providing for adequate housing alternatives to protect them from homelessness and/or forced separation from their families.**

According to the information received:

General background

Over 18.000 families in Rome are currently on the waiting list for the allocation of social housing; while 16.000 people are without legal residence. These alarming figures describe the ongoing housing crisis affecting the whole country, further aggravated by the outbreak of COVID-19. Reportedly, the Italian government is failing to implement proper social housing policies for people in situation of vulnerability, favouring instead the phenomenon of "financialization of housing", characterized by purchases of properties from private investment funds for speculative purposes. Against this backdrop, the Organization for Economic Co-operation and Development (OECD) highlighted that in 2021 Italy had an eviction rate of 1.4%, with no other

European country registering a higher rate in the same considered timeframe.¹

Dismissal of CDESCR's requests of interim measures

Italy ratified the OP-ICESCR on 20 February 2015, allowing victims to submit individual complaints to the Committee on Economic, Social and Cultural Rights (CESCR). With the onset of the COVID-19 pandemic, Italy implemented a moratorium that temporarily suspended evictions. However, since 2021, the CESCR has received an increasing number of complaints lodged under OP-ICESCR, many of which regarding eviction orders. While cases are awaiting to be examined by the Committee on the admissibility and the merits, the CESCR has issued interim measures under article 5 of the OP-ICESCR in some of the cases received, to protect the complainants from the imminent threat of eviction from their homes without the provision of alternative housing.

On 17 February 2022, after suspending an eviction order on the basis of interim measures granted by the CESCR, the judge of execution of one of these cases (case No. 256/2022) requested the Presidency of the Council of Ministers to deliver its observations on the issue.

On 25 May 2022, the Attorney General of the State, acting as the Presidency of the Council of Ministers, issued the decision CT 16061/2022, instructing the judge of execution to resume the executive procedure of eviction, claiming that the interpretation of articles 7 and 9 of the OP-ICESCR enables to affirm that CESCR's interim measures "do not have the juridical value to the point of influencing internal juridical procedures". Additionally, the Presidency of the Council of Ministers stated that the CESCR's request of interim measures was addressed to the Government, and not to the judicial branch. Upon this premise, the Presidency asserted that the authority to suspend the execution of the eviction order would correspond only to the Government. Moreover, the Presidency of the Council of Ministers declared that the application to the CESCR of the case discussed (No. 256/2022) appears inadmissible, stating that the claimant failed to exhaust all the available domestic legal remedies, in violation of articles 3 and 10 of the OP-ICESCR. Finally, the Presidency stated that "the guarantee of the right to adequate housing cannot compress to the point of annihilating the right to property, which is has also constitutional value, under article 42 of the Italian Constitution"².

Following this input from the Presidency of the Council of Ministers, the State has resumed its executive procedures and has already carried out evictions in a number of instances (as registered in cases Nos. 222/21, 226/21, 274/22, 271/22, 277/22, 322/23); while in other instances, it has yet to take place (as registered in case No. 256/22).

¹ Evictions, Directorate for Employment, Labour and Social Affairs, Publications and Analysis, OECD Affordable Housing Database, HC3.3 (2021)

² Informal translation from Italian

Violations of the right to redress

Article 2 of the Ministerial Decree 147/2022 allows for the court, according to its discretionary power, to increase up to 80% or decrease up to 50%, the legal fees initially determined, by means of the general parameters applicable to civil and administrative law cases. This provision has led to a sharp increase in the legal fees to be borne by the losing party. As a consequence, tenants threatened by eviction orders and who already find themselves in precarious financial situations, have been hindered from effectively resorting to all the internal remedies potentially available. This concerning situation is exacerbated because, when it comes to disputes concerning eviction orders, the compensation of the legal fees pursuant to article 92 of the Civil Procedure Code is unlikely to be conceded, even in the presence of the circumstances contained therein.

Individual cases

Ms. **Rossana Letizi**, Italian, is 90 years old. In 1983, via signed agreement, the Municipality of Rome granted to the private company “B.I.G. 1981 Srl” the surface right on a land situated in the outskirts of Rome, an area called Castel Giubileo No. 1. According to the terms of the agreement, the private company had permission to build within this area, provided that the housing units contained in these buildings would be rented at discounted prices to people in situations of economic vulnerability. Against this backdrop, since 1995, Ms. Letizi has been living in a house in Castel Giubileo No. 1. In the following decades, the surface right on the land underwent a series of ownership transfers. In 2002, the surface right was transferred by “B.I.G. 1981 Srl” to “SAI Società assicuratrice industriale Spa.”; in 2009 the surface right was again transferred by “SAI Società assicuratrice industriale Spa” to “Fonditaria SAI Spa”. Eventually, in 2011 the surface right was transferred to the “Immobiliare Castel Giubileo Srl”. Such transfers implied the renegotiation of the rental terms of Ms. Letizi, leading to an increase in fees. According to the information received, the rental contract signed in April 2011 by Ms. Letizi with “Fonditaria SAI Spa” established the payment of a rental fee of Euro 5.000 per year, plus ancillary charges of Euro 1.800 per year. However, the rental contract signed by Ms. Letizi after the transfer of the surface right to “Immobiliare Castel Giubileo Srl” raised the rental fee to Euro 6753,16 per year. Reportedly, such increase lies in contrast with the limits on transfer prices and rental fees stipulated in the agreement signed in 1983 by the Municipality of Rome and the “B.I.G. 1981 Srl”. Ms. Letizi’s household also consisted of her daughter, who received a disability pension until she passed away, on 20 June 2018. Following her daughter’s death, Ms. Letizi was unable to pay the rental fees from July 2018 to March 2019. Consequently, on 24 April 2019 the Tribunal of Rome issued an eviction order against Ms. Letizi. As notified on 11 November 2021, the execution of the eviction was scheduled on 20 January 2022.

On 27 December 2021, Ms. Letizi submitted an individual communication to the CESC. On 11 February 2022, the CESC requested the State to take interim measures to avoid possible irreparable damage while the case was

being examined by the Committee. The measures requested consisted of either suspending the eviction order, or providing Ms. Letizi with an adequate alternative housing solution, to be identified through genuine and effective consultation. As mentioned above, on 17 February 2022, the judge of execution ratified the suspension of the eviction order: simultaneously, the judge requested the Presidency of the Council of Ministers to deliver its observations on the issue. On 25 May 2022, the Attorney General of the State, acting as the Presidency of the Council of Ministers, instructed the judge of execution to resume the executive procedure of eviction, claiming that CESCER's resolutions "do not have the juridical value to the point of influencing internal juridical procedures".

To date, the eviction has not been carried out, however the case has not been cancelled and the threat of eviction against Ms. Letizi is still pending. This protracted situation of precariousness and insecurity of tenure has been causing psychological anguish and emotional distress to Ms. Letizi.

Mr. **Carlo Cusatelli**, Italian, is 71 years old. In the 40s, Mr. Cusatelli's father rented for a below-market fee a house in the city centre of Rome from the foundation "Opera Pia Sussidio Canevari Demetrio". The building had been donated to this foundation with the request for the house to be rented to artists and people in vulnerable economic situations. In 1999, Mr. Cusatelli succeeded his father in the rental contract. Reportedly, in recent years "Opera Pia" has progressively shifted towards a more market-based approach, which has been reflected in the increase of the rental fee in line with the overall market trend. Since 2017, Mr. Cusatelli has been unable to pay the rental fees for the house. On 11 September 2018, the Court of Rome issued an eviction order against Mr. Cusatelli and his family, consisting of his unemployed wife and his 25-year-old son suffering from psychiatric problems. Due to the COVID-19 pandemic, the Italian government suspended the enforcement of all the evictions to be carried out across the domestic territory. However, such measures have resumed in 2022. On 4 April 2022, Mr. Cusatelli was notified that the eviction would be scheduled for 16 May 2022.

On 5 May 2022, Mr. Cusatelli submitted an individual communication to the CESCER. On 11 May 2022, the CESCER granted interim measures to him and his family.

Notwithstanding this, on 1 February 2023 the eviction was carried out. To date, Mr. Cusatelli and his family are living in a tiny garage the wife owns in another area of Rome. Their 30-year-old son is still undergoing psychiatric treatment and is unable to live autonomously. As a result of the difficult living conditions, Mr. Cusatelli has been suffering from severe psychological distress.

Mr. **Ashraf El Rakwaby**, Egyptian, is 59 years old. Mr. El Rakwaby worked as a chef in Italy since 1989, and lived since then with his wife and their three children aged between 1 and 2 in a rented house situated on the outskirts of Rome. The house was in untenable hygienic conditions: Mr. El Rakwaby and his wife had to take constant action to prevent the formation of mold on the

walls. In the aftermath of COVID-19 crisis, the restaurant where Mr. El Rakwaby worked shut down, leaving him without a salary. Furthermore, since Mr. El Rakwaby did not have a regular working contract, he had no right to severance pay. Consequently, in 2019, Mr. El Rakwaby had no choice but to stop paying rent to his landlord. On 13 January 2022, Mr. Rakwaby was notified that the eviction would be scheduled for 2 February 2022. After a number of delays in the procedure, the eviction was rescheduled to 9 May 2022.

On 29 April 2022, Mr. El Rakwabi submitted an individual communication to the CDESCR. On 5 May 2022, the CDESCR granted him interim measures. On 28 July 2022, the judge of execution rejected the application of the interim measures, reiterating the non-binding nature of CDESCR's resolutions. On 22 September 2022, the authorities carried out the eviction.

Mr. El Rakwabi and his family were accommodated in an emergency shelter where they have been living since then. They were provided with a single room for the entire family of five. According to the information received, Mr. El Rakwabi and his wife are not allowed to cook their own food in this emergency shelter, and they are even required to ask permission to go out or receive visits. Additionally, it has been reported that the social workers are constantly pressuring the family to leave the shelter, though they are unable to find an alternative adequate accommodation. In April 2024, Mr. El Rakwabi suffered a stroke that left him paralyzed for several months. He was hospitalized, and his wife alone had to take care of the three children in the emergency shelter. As a consequence of the stroke, Mr. El Rakwabi is now unable to work.

Ms. Begum Rabeya Bakul, Bangladeshi, is 57 years old. Ms. Rabeya provides care and support to her 51-year-old brother with disabilities and her son, who requires psychological assistance due to trauma. Ms. Rabeya worked as a cleaner in a hospital, and studied to obtain a degree as a caregiver. In 2017, Ms. Rabeya was laid off by the hospital where she was employed. Ms. Rabeya managed to find temporary jobs which allowed her to pay her rent for 5 years. However, in January 2022 the economic distress for the family became untenable, and Ms. Rabeya had to stop paying the rent to her landlord. On 16 May 2023, Ms. Rabeya was notified that an eviction was scheduled for 19 June 2023.

On 6 June 2023, Ms. Rabeya filed an individual communication to the CDESCR. On 12 June 2023, the CDESCR granted her interim measures. On 16 June 2023, the judge of execution rejected the request for interim measures.

On 14 July 2023, the eviction order was enforced. The social services of the city council allocated Ms. Rabeya to an emergency shelter, and her brother and son to another facility, very distant from Ms. Rabeya's, thus leaving both her brother and her son without the physical and psychological assistance needed. Moreover, both shelters have poor public services, exposing all the members of the family to additional risks and distress. In early October 2023, Ms. Rabeya's son struggled to get back to his shelter by public transport, and

he then decided to spend the night in a park after work. That same night, he was robbed and beaten by a gang of three. Similarly, Ms. Rabeya's shelter is located in an area with very little public lighting; in November 2023, she was assaulted while returning to her accommodation from work.

Ms. **Salima El Alawi Hafidi**, Moroccan, is 30 years old. Born in Italy to a Moroccan family, Ms. El Alawi Hafidi lived with her husband and her 4-year-old daughter in a rented house located in the outskirts of Rome. The family relied on her husband's salary as a temporary worker in a restaurant. In the aftermath of the economic crisis ensuing from the COVID-19 pandemic, in 2020 Ms. El Alawi Hafidi's husband lost his job. Since March 2020, the family was unable to pay the rental fees to the landlord. Ms. El Alawi Hafidi and her husband requested support from social services to find alternative occupations. However, all the job offers received by the couple entailed long working shifts incompatible with their parental duties. Upon the refusal of such job offers, the social services told the family that they would not be able to provide them with any alternative housing solution. In December 2020, the family was notified that the eviction would take place in January 2021. After some delays in the procedure, on 29 March 2022 the family was eventually notified that the eviction would occur on 31 May 2022.

On 18 April 2022, Ms. El Alawi Hafidi submitted an individual communication to the CESC. On 27 May 2022, the CESC granted her interim measures until the Committee assesses the case. On 16 October 2022, the judge of execution rejected the interim measures, claiming that the UN declarations on human rights "have no juridical nature, thus are not binding [...] only recommendations".

On 3 March 2023, the family was evicted from their house by over 20 police officers. After the eviction, the City Council offered an alternative housing solution only to Ms. El Alawi Hafidi and to her daughter, leaving her husband in a situation of homelessness. The family refused the proposal, and they spent almost one year in a precarious emergency facility offered by the local parish. Ms. El Alawi Hafidi gave birth to her second daughter in this shelter. In summer 2024, the family had to leave the shelter, without having sufficient economic resources to afford another accommodation. The entire family left Rome, moving to Salima's parents' house in the town of Pontecorvo, in Frosinone province. According to the information received, the local administration of Pontecorvo did not inscribe the family's residency in the town's registries. As a consequence, the older daughter has not been allowed to attend school, and the new-born daughter has been denied the right to medical assistance in the local area.

Mr. **Hamid Saydawi**, Moroccan, is 62 years old. Mr. Saydawi is part of a group of five families of North African origin that in the late 1990s refurbished and requalified an abandoned building situated near a railway in the area of Prenestina. Mr. Saydawi and his family, consisting of his wife and their three children, lived in one housing unit of this building since 2000. In 2008, the railway company "Ferrovie dello Stato" purchased the building, and it started an eviction procedure against the families living in the residential

building. In 2009, the tribunal of Rome rejected the Company's demands, based on the resources and energy that the families invested in making the housing units in the building habitable again. "Ferrovie dello Stato" appealed the court's decision. On 25 November 2012, the court of Rome notified Mr. Saydawi of an eviction order, and imposed the payment of a fine in the amount of approximately Euro 32.000 for the illegal occupation of the building (corresponding to the monthly fees that should have been paid to "Ferrovie dello Stato" since it became the owner of the building), plus legal expenses amounting to Euro 3.182. During this period, Mr. Saydawi was facing economic difficulties due to his situation as a precarious worker, which worsened as a result of the COVID-19 pandemic and consequent lockdowns. The procedure stalled until the beginning of 2020. In February 2020, Mr. Saydawi received a new eviction order, amid economic struggles brought about by the COVID-19 pandemic. Mr. Saydawi asked the City Council to be provided with alternative adequate housing for him and his family. The City Council did not offer any public housing solution. After some delays in the procedure, on 18 March 2021 Mr. Saydawi was eventually notified that the eviction would take place on 16 September 2021.

On 10 September 2021, Mr. Saydawi submitted an individual communication to the CESCER. On 15 September 2021, the CESCER granted him interim measures. On 26 October 2021, the judge of execution suspended the eviction, complying with the request of interim measures granted by the CESCER. On 14 June 2022 the judge of execution revoked the suspension, referring to the Government's interpretation of the non-binding nature of CESCER's recommendations.

The eviction was further delayed for almost two years thanks to civil society-led anti-eviction advocacy. During this same period, the City Council has affirmed on multiple occasions that it would offer a public house to the family.

On 28 February 2024, the CESCER adopted its views on Mr. Saydawi's case under the OP-ICESCR, concluding that the judicial decision to evict the household constituted a violation of the right to adequate housing under article 11 of the International Covenant on Economic, Social and Cultural Rights.

On 22 July 2024, the eviction was carried out. After the eviction, Mr. Saydawi and his wife slept for several days in their car. They currently continue to live in a precarious situation, being hosted either in the house of their son, or of their daughter. They are actively looking for a house for rent, even outside Rome. Reportedly, their North African origin constitutes a major obstacle to this search, because of the racial bias of many people operating in the Italian housing market.

Emiliano Piccioni, Italian, is 51 years old. Mr. Piccioni lived in a house in the town of Fiumicino, Province of Rome, with his wife – a refugee from the former Yugoslavia – and their two children aged 15 and 13, the younger suffering from epilepsy. They bought the house at market price. Later on, they found out that they had been scammed by a company that got hold of a

number of public housing blocks through an agreement with the City Council, and then irregularly sold the house units at market price. Mr. Piccioni worked at the Fiumicino airport until his employer, a subcontracting company, laid off 25% of its workers. Since Mr. Piccioni lost his employment, the family was unable to pay the mortgage. The company had by then declared bankrupt and it was condemned for fraud. Meanwhile, the insolvency administrator started eviction procedures against all the residents of the housing units, including Mr. Piccioni's family. On 1 October 2019, Mr. Piccioni was notified of an eviction order (although the eviction date was set for 13 June of the same year). The procedure stalled for the next two years; however, the threat of eviction against the family was still pending.

On 22 July 2021, Mr. Piccioni submitted an individual communication to the CESCR. On 28 July 2021, the CESCR granted him interim measures.

Since an eviction date was not fixed, the family lived in a state of uncertainty throughout the following two years, during which the City Council ignored the requests of the family to provide them with an adequate alternative housing solution. Eventually, on 13 September 2024, the eviction was carried out. Being deprived of his house and not being provided with any alternative solution, Mr. Piccioni moved to France; the rest of his family is expected to join him there in the upcoming months. The whole family continues to live in an unstable housing situation, and at least one of the children is likely to miss one year of school, should the move to France be confirmed. The precariousness ensuing from the eviction, the subsequent decision to move abroad and the disruption of the family unity have caused massive psychological distress to all family members.

Without prejudging the accuracy of the information received, we wish to express our utmost concern about the decision of the Presidency of the Council of Ministers to instruct the judges of execution to dismiss the interim measures granted by the CESCR pursuant to article 5 of the OP-ICESCR, claiming that CESCR's decisions do not entail any legal obligation of compliance for the State. The International Covenant on Economic, Social and Cultural Rights and its Optional Protocol are binding for the State parties, including Italy, that ratified them (article 26 of the Vienna Convention on the Law of Treaties), and must be complied with in good faith. Article 7 of the OP-ICESCR, providing for the possibility to reach an agreement or a friendly settlement on a matter under discussion of the CESCR, does not preclude the binding nature of the OP. Moreover, article 9 of the OP-ICESCR obliges States Parties to give due consideration to the views and the recommendations issued by CESCR. Since *interim* measures seek to ensure that any views adopted by the CESCR on the basis of individual communications received will not be deprived from any useful effect, dismissing such interim measures may deprive communications from their effectiveness, and strip the individual communications mechanism from its *raison d'être*. Indeed, human rights bodies often consider disregard of interim measures an autonomous violation of the underlying treaty. Further, while States have a measure of discretion in how to implement their international obligations, an instruction to judges that misconstrues the binding nature of human rights treaties is not within that discretion.

The adoption of interim measures pursuant to article 5 of the Optional Protocol is vital to the Committee's performance of the role entrusted to it under the Protocol. The reason for the existence of interim measures is, *inter alia*, to preserve the integrity of the process, thereby ensuring the effectiveness of the mechanism for protecting Covenant rights when there is a risk of irreparable damage.³

The Committee observes that any State party that has acceded to the Optional Protocol recognizes the competence of the Committee to receive and consider individual communications from persons who claim to be victims of violations of the Covenant. By accepting these obligations, States parties undertake to cooperate with the Committee in good faith by providing it with the means to consider the complaints submitted to it (Vienna Convention on the Law of Treaties, signed on 23 May 1969, U.N.T.S., vol. 1155, No. 18232, art. 31(1)) and, after such consideration, to transmit its comments to the State party and the complainant. Any State party that does not adopt interim measures fails to fulfil its obligation to respect in good faith the procedure for individual communications established in the Optional Protocol.⁴ It also deprives the Committee of its ability to provide an effective remedy to the persons alleging to be victims of a violation of the Covenant. Under rule 7(3) of the provisional rules of procedure under the Optional Protocol, the State party may "present arguments on why the request for interim measures should be lifted or is no longer justified". Rule 7(4) states that the Committee may decide to "withdraw a request for interim measures on the basis of submissions received from the State party and the author/s of the communication". Therefore, when a State requests the lifting of interim measures, it cannot, in good faith, disregard those measures before the Committee has an opportunity to decide on the request.

We express our utmost concern in relation to these forced evictions, which have affected low-income and marginalized families, including older people, children and persons with disabilities. We are alarmed by the allegations that these forced evictions have been carried out without proper consideration of the victims' right to

³ See, *mutatis mutandis*, Eur. Ct. HR (GC), judgment of 5 February 2005 in the case of *Mamatkulov and Askarov v. Turkey*, Appl. No. 46827/99 and 46951/99, § 128 ("Contracting States undertake to refrain from any act or omission that may hinder the effective exercise of an individual applicant's right of application. A failure by a Contracting State to comply with interim measures is to be regarded as preventing the Court from effectively examining the applicant's complaint and as hindering the effective exercise of his or her right and, accordingly, as a violation of article 34 of the Convention [right to file an individual application]"; and Committee against Torture, *Thirugnanasampanthar v. Australia* (CAT/C/61/D/614/2014), para. 6.1.

⁴ Committee against Torture, *Cecilia Rosana Núñez Chipana v. Venezuela*, 10 November 1998 (CAT/C/21/D/110/1998), para. 8 ("The Committee considers that the State party, in ratifying the Convention and voluntarily accepting the Committee's competence under article 22, undertook to cooperate with it in good faith in applying the procedure. Compliance with the provisional measures called for by the Committee in cases it considers reasonable is essential in order to protect the person in question from irreparable harm, which could, moreover, nullify the end result of the proceedings before the Committee"); Committee against Torture, *Thirugnanasampanthar v. Australia* (CAT/C/61/D/614/2014), para. 6.3.; Human Rights Committee, views of 19 October 2000 adopted in Communication No. 869/1999, *Dante Piandiong, Jesus Morillos and Archie Bulan v. The Philippines* (CCPR/C/70/D/869/1999), paras. 5.1. and 5.2. ("Implicit in a State's adherence to the [First Optional Protocol to the International Covenant on Civil and Political Rights] is an undertaking to cooperate with the Committee in good faith so as to permit and enable it to consider such communications, and after examination to forward its views to the State party and to the individual (article 5(1), (4)). It is incompatible with these obligations for a State party to take any action that would prevent or frustrate the Committee in its consideration and examination of the communication, and in the expression of its Views. Quite apart, then, from any violation of the Covenant charged to a State party in a communication, a State party commits grave breaches of its obligations under the Optional Protocol if it acts to prevent or frustrate consideration by the Committee of a communication alleging a violation of the Covenant, or to render examination by the Committee moot and the expression of its Views nugatory and futile"); Human Rights Committee, General Comment No. 33 (2009) on obligations of States parties under the Optional Protocol to the International Covenant on Civil and Political Rights, para. 19.

adequate housing, including security of tenure and their right to remain. Moreover, we are concerned about the failure to implement any mechanism of consultation or any genuine attempt to offer adequate alternative housing solutions to the affected families, in stark contrast with international human rights law and domestic law. The provision of temporary housing, when it occurs, does not fulfil the requirements of adequate housing, and moreover often entails the separation of family members and the interruption of caregiving activities for vulnerable individuals.

The practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing. Forced evictions generally entail a violation of article 11 of the International Covenant on Economic, Social and Cultural Rights and relevant protections against forced evictions as set out in general comment No. 7 of the Committee on Economic Social and Cultural Rights. We further wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. If an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. In this regard, claimants must be provided with a space in which their claims can be heard and adjudicated. They must also be assured of effective remedies. Against this backdrop, we are concerned that the sharp increase in legal fees to be borne by the losing party may represent an infringement of the effective enjoyment of the right to redress.

Moreover, we wish to reiterate that under no circumstances should evictions result in homelessness, and the State must take all appropriate measures to ensure that adequate alternative housing is available to affected individuals, where they are unable to provide for themselves. Such concerns of forced evictions leading to homelessness are even more glaring because they target also older individuals, minors and persons with disabilities, who are particularly vulnerable because of their age, psychological and physical conditions. Forced evictions of older residents significantly affect their fundamental human rights, violating the core content of the right to adequate housing, as well as the principle of community support intended to allow older people to access basic goods and services, as enshrined in the United Nations Principles for Older Persons. Moreover, older persons are among the groups more likely to be subject to forced evictions, often resulting in homelessness and seriously affecting their health and wellbeing (A/77/239).

Forced evictions and related threats of homelessness for persons with disabilities would breach their right to adequate, including accessible, housing, as well as their right to be part of a community, in violation of article 19 of the Convention on the Rights of Persons with Disabilities, which allows individuals with disabilities the right to live connected to their communities and underscores the importance of community connectedness in housing. As recalled in the 2017 report on the right to housing of persons with disabilities (A/72/128), both these elements are critical to guarantee a life of dignity, autonomous participation within the community, equality, and respect for diversity. In this regard, we are deeply concerned about the proposed solutions advanced by the public authorities, entailing the separation of persons with disabilities from family members who were strongly committed to providing them with necessary support. Relocating persons with disabilities in emergency

accommodations without the presence of their relatives can dramatically increase their isolation and social exclusion.

Additionally, we express strong concerns about forced evictions against children, as the infringement of the right to adequate housing for children constitutes a substantial threat to their physical and psychological development and their spiritual and social growth.

Furthermore, we are concerned that these forced evictions are being carried out while the country grapples with a severe housing affordability crisis, and many individuals and households experience economic difficulties, including as a result of the COVID-19 pandemic. It is alarming to note that all the families evicted or threatened with eviction find themselves in situations of economic vulnerability and precarious employment.

We wish to bring to the attention of your Excellency's Government the worrying trend of financialization of housing, consisting of an unregulated housing market built upon economic imbalance and exclusion of large portions of society. As a reaction to this, we recall the State's obligation to adopt measures aimed at preventing housing from becoming a mere commodity, to ensure that all domestic institutions recognize its social value, and apply laws and policies related to housing and housing finance in accordance with the human right to adequate 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 and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on your Excellency's Government's stance on the status of International Human Rights Law treaties in the domestic legal order of Italy, as well as on its commitment to abide by them.
3. Please explain the justification for decision CT 16061/2022 of the Presidency of the Council of Ministers, instructing courts on the application of interim measure requests by CESCER, in light of the principles of the separation of powers and the independence of the judiciary.
4. Please provide information on the measures your Excellency's Government has taken to guarantee security of tenure, to protect against forced evictions and, should evictions be allowed, that they do not lead to homelessness but are instead provided with alternative and

adequate housing.

5. Please provide information on the measures taken by your Excellency's Government to prevent people from falling into homelessness, as a result of the inability to pay rent.
6. Please provide information on the number of evictions carried out annually, and their proportion of the total number of tenants renting homes, for each year, starting from 2020.
7. Please provide information on the measures your Excellency's Government has taken to eradicate the economic barriers preventing people experiencing economic hardships from accessing justice.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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

Balakrishnan Rajagopal
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

Heba Hagrass
Special Rapporteur on the rights of persons with disabilities

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Claudia Mahler
Independent Expert on the enjoyment of all human rights by older persons

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

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.

From the outset, we would like to bring to the attention of your Excellency's Government its obligation to comply with norms enshrined in international conventions the State is party to, as contained in article 26 of the Vienna Convention on the Law of Treaties.

We would like to draw the attention of your Excellency's Government to its obligations under articles 6 and 17 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Italy in 1978, on the rights to life, including the right to life with dignity, and to non-interference with privacy, family, home or correspondence. We would also like to draw your attention to article 2.3, which requires States parties to ensure "an effective remedy" for persons whose rights have been violated and the obligation upon the "competent authorities (to) enforce such remedies when granted".

We wish to remind your Excellency's Government of the obligations it assumed upon ratifying in 1978 to the International Covenant on Economic, Social and Cultural Rights (ICESCR), in particular concerning the right of everyone to an adequate standard of living for himself and his family, including adequate housing (article 11). In its general comment No. 4 on the right to adequate housing, the Committee on Economic, Social and Cultural Rights (CESCR) has clarified that a critical aspect of the right to adequate housing is the legal security of tenure, under which all persons -regardless of the type of the tenure- should possess a degree of security of tenure which guarantees legal protection against forced eviction. In the same general comment 4 (para. 7), the CESCR has also clarified that the right to adequate housing should be ensured to all persons irrespective of income or access to economic resources, and that it includes the elements of legal security of tenure, housing affordability, adequate location and adequate basic infrastructure, among others.

Additionally, we wish to recall that, as clarified by the CESCR in its general comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and the home and the right to the peaceful enjoyment of possessions (paras. 2 and 4). In the same general comment No. 7, the CESCR has stated that if an eviction is to take place, procedural protections must be guaranteed, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing is available to affected individuals, where they are unable to provide for themselves. States parties shall ensure, prior to carrying out any evictions that all feasible alternatives are explored in consultation with the

affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders.

In this regard, we would like to refer your Excellency's Government to the guidelines for the implementation of the right to adequate housing (A/HRC/43/43) and the principles on security of tenure for the urban poor (A/HRC/25/54). Guideline No. 6 clarifies that, in order for any eviction to comply with human rights law, certain conditions must be met. These include meaningful engagement with those affected, exploration of all viable alternatives, relocation to adequate housing agreed upon by the affected households so that no one is rendered homeless, access to justice to ensure procedural fairness, and compliance with all human rights. Recognizing the significant difficulties faced by the urban poor in accessing justice, the principles on security of tenure for the urban poor specify that States should take all measures to remove these barriers and ensure that the urban poor can access effective remedies through a range of judicial and administrative mechanisms. Remedies for violations of the right to adequate housing may include, among others, restitution, reparation, the provision of alternative adequate housing, rehabilitation of housing or livelihoods, as well as financial or non-financial compensation for loss and damage.

We would also like to recall that, in his report (A/78/192), the Special Rapporteur on the right to adequate housing recommended that States adopt measures to avoid no-fault evictions and ensure just cause for all individual evictions, refraining from forced evictions for the tenants' failure to pay rents solely due to economic distress (para. 111).

In this regard, we would also like to draw the attention of your Excellency's Government to the recommendations contained in the report of the former Special Rapporteur on the right to adequate housing on the financialization of housing, especially to paragraph 77(e) requiring States to "review all laws and policies related to foreclosure, indebtedness and housing, to ensure consistency with the right to adequate housing, including the obligation to prevent any eviction resulting in homelessness", and to paragraph 77(f) requiring national courts to "interpret and apply domestic laws and policies related to housing and housing finance consistently with the right to adequate housing".

In addition, the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council by consensus on 27 September 2012 in resolution 21/11, recommend in particular that States "adopt laws protecting all individuals, groups and communities, including those living in poverty, against forced eviction by State and non-State actors. This should include preventive measures to avoid and/or eliminate the underlying causes of forced evictions, such as speculation in land and real estate" (para. 80(b)).

We would further like to recall the obligations stemming from the 1989 Convention on the Rights of the Child, ratified by Italy in 1991, in particular article 16, establishing the right of every child to be protected from interference with their privacy, family and home; and article 27, providing the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

We would like to refer to article 19 of the Convention on the Rights of Persons with Disabilities, ratified by Italy in 2009, which recognizes the right of persons with disabilities to choose their place of residence and where and with whom they live, and to access a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community. As reiterated in the 2017 report of former the Special Rapporteur on the right to adequate housing focusing on the right to housing of persons with disabilities (A/72/128), these elements are “central to a life of dignity, autonomy, participation, inclusion, equality and respect for diversity” (para. 1). In this same report, the Special Rapporteur has also highlighted the link between homelessness of persons with disabilities and the breakdown of family relationships (para. 22). Moreover, in the resolution on the right to adequate housing and persons with disabilities (A/HRC/RES/55/11), the Human Rights Council called on States to take measures to reduce spatial segregation and social exclusion of persons with disabilities from the community by ensuring the right of persons with disabilities to live independently within the community with persons of their choice.

We would also like to recall that the UN Independent Expert on the enjoyment of all human rights by older persons addressed the vulnerability of older persons in relation to forced evictions in her 2022 report (A/77/239) on “Older persons and the right to adequate housing”. In her report, she states that older persons are among the groups at a higher risk of forced evictions, often resulting in homelessness and seriously affecting their health and wellbeing (para. 23). The Independent Expert also analyses how discriminatory practices especially affect older women, putting them at risk of eviction and leaving them destitute or homeless as a result (para. 28). She further recalled that States have the obligation to protect older persons from the impact of forced evictions by providing adequate alternative housing, resettlement or access to productive land (para. 107). Older women are also often affected by the lack to access to legal remedies against evictions (para. 28), in contradiction of the 1991 United Nations Principles for Older Persons, which state that older persons should have access to legal services enhancing their autonomy, protection and care (principle 12).