



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Italy
Title:	Discrimination Roma Camps
Date:	25 June 2015
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<u>Context</u>	
Issue at stake:	The municipality of Rome has been condemned for the discriminatory housing policy of Roma camp named "La Barbuta"
Ground of discrimination:	Race/ethnic origin
Source:	National court decision
Field:	Housing
Applicable law:	Legislative decree 215/2003

Content

Case: Two NGOs, ASGI and *Articolo 21*, filed an action against the municipality of Rome claiming that the policy of placing Roma in a camp named La Barbuta, a large settlement in the remote outskirts of Rome and so hindering their effective inclusion in society, was discriminatory. This is a judgment on the merits, following the delivery of interim measures issued in August 2012 based on prima facie discrimination and quashed a month later, on appeal, by another panel of judges of the same Court, rejecting the complaint of discrimination.¹

Decision of the Court: The Tribunal of Rome convicted the Municipality of Rome for indirect discrimination according to Art. 2 of Legislative decree 215/2003 implementing Directive 2000/43/EC. The municipality of Rome was convicted to: stop the assignment of housing in La Barbuta Camp and to annul the consequences of the previous assignments already in force); to publish the judgment in the national journal "Corriere della sera"; and to pay half of the legal costs incurred by the two claimants.

Key points of analysis: This is a very important case for Italy and for the NGOs' struggle against the lack of coherent policy towards Roma integration. One preliminary point was that of the legal standing of the two claimants. The Tribunal granted legal standing to both the NGOs because this was a case of collective discrimination, without the need to ascertain individual victims according to Art. 5, para. 3, Legislative decree 215/2003.² Regarding the merits of the judgment, the most important finding is that of indirect discrimination caused by a housing policy that promotes social exclusion. There is an express reference to Directive 2000/43 and to several official documents certifying the living conditions in La Barbuta. One point stressed by the Court is that the camp was designed for nomad people while the large majority of the inhabitants are permanent residents (97-98%). The Tribunal condemned the municipality to end the indirect

¹ Tribunal of Rome, 4.09.2012.

² NGOs listed in the register held by UNAR have the right to legal standing when victims of collective discrimination are a group of persons without individual victims, i.e. *actio popularis*.

discrimination that means to find alternative solutions to the housing of people staying in La Barbuta. It is now up to the municipality to find those alternatives and to put them in place.

Internet link source: <http://www.asgi.it/wp-content/uploads/2015/06/Ordinanza-La-Barbuta.pdf>