

September 12, 2022

We, the undersigned organizations specialized in the promotion and protection of economic, social, and cultural rights, including the right to adequate housing, make public this letter in order to call upon the relevant authorities of the Italian State to abide by its obligations under international human rights law, regarding the many cases of evictions that are currently under examination by the United Nations Committee on Economic, Social and Cultural Rights (CESCR).

CESCR is the supervisory body of the International Covenant on Economic, Social and Cultural Rights, of which Italy has been 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. 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 judgement in *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. These have been the case on at least 14 occasions during 2021 alone (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).

However, we have learned that the Presidency of the Council of Ministers has requested the Court of Rome to withdraw the suspension of the eviction in one of the cases, concerning a 87 year -old women in May 25<sup>th</sup>, 2022 (case registered as CT 16061/2022). Following this request, other judges have revoked or denied the suspensions requested by the CESCR on various occasions (cases 226/2021, rejected on June 14<sup>th</sup>; case 247/2021 and 271/2022 on July 28<sup>th</sup>, and case 284/2022 on July 29<sup>th</sup>). These decisions are putting vulnerable people under international protection at risk of suffering irreparable damage. Revoking the suspension of an eviction when the risks are not thoroughly evaluated yet or evicting a person who is under the protection of the United Nations CESCR compromises Italy's compliance with its international human rights obligations, potentially affecting its credibility as a member of the UN's Human Rights Council.

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.

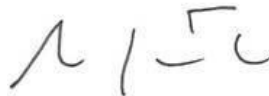
[A recent report](#) by a Constitutional Law Professor of the *Università di Napoli Federico II* (University of Naples Federico II), [Prof. Gennaro Ferraiuolo](#), also confirms the substantial obligations that international human rights treaties imposed on Italian institutions, in virtue of the principles of good faith and cooperation with the other States parties. The Italian Constitution requests compliance for international treaties in its art.117, thus any discrepancy or opposition to their application should be resolved by the Constitutional Court, not by the ordinary Courts, as it is mentioned in said report.

We trust that the Italian authorities will do everything possible to resolve these cases in a fair manner, to avoid irreparable harm to vulnerable people, and to enforce the right to adequate housing, ensuring that authorities honor Italy's international human rights obligations, including the effectiveness of the urgent actions of the UN Committee on Economic, Social and Cultural Rights.

Cordially yours,



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The Shift



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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.